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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 277—TOBACCO LOANS

1948 CROP; BURLEY TOBACCO

Set forth below is schedule of advance rates, by grades, for the 1948 crop of type 31 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 15, 1948 (13 F. R. 4004)

§ 277.49 1948 Crop; Burley Tobacco, Type 31—Advance Schedule.¹

(Dollars per hundred pounds, farm sales weight)

Grade	Advance rate	Grade	Advance rate
A1L	66.12	B5FR	28.12
A2L	65.12	B1R	38.12
A1F	65.12	B2R	36.12
A2F	64.12	B3R	30.12
A1R	52.12	B4R	26.12
A2R	46.12	B5R	22.12
B1F	58.12	B3RV	29.12
B2F	54.12	B4RV	25.12
B3F	49.12	B3RM	29.12
B4F	43.12	B4RM	25.12
B5F	37.12	B5RM	20.12
B3FV	45.12	B3RK	29.12
B4FV	39.12	B4RK	25.12
B3FM	43.12	B3D	26.12
B4FM	37.12	B4D	22.12
B5FM	29.12	B5D	18.12
B3FK	42.12	B3GF	29.12
B4FK	36.12	B4GF	25.12
B1FR	45.12	B5GF	21.12
B2FR	43.12	B3GR	24.12
B3FR	37.12	B4GR	22.12
B4FR	33.12	B5GR	18.12

¹The Cooperative Associations through which the loans are made for Burley, Type 31, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against the overhead costs to the associations of the loan operations. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (wet), "U" (unsound), "DAM" (damaged), N2L, N2R, or N2G will not be accepted.

(Dollars per hundred pounds, farm sales weight)

Grade	Advance rate	Grade	Advance rate
T3F	38.12	C4FM	51.12
T4F	32.12	C5FM	45.12
T5F	24.12	C3FK	53.12
T3FV	33.12	C4FK	51.12
T4FV	27.12	C3R	54.12
T3FM	33.12	C4R	49.12
T4FM	27.12	C5R	41.12
T5FM	22.12	C3RV	47.12
T3FK	32.12	C4RV	43.12
T4FK	26.12	C3RM	45.12
T3R	25.12	C4RM	47.12
T4R	21.12	C5RM	37.12
T5R	17.12	C3RK	46.12
T3RV	23.12	C4RK	45.12
T4RV	19.12	C3G	34.12
T3RM	23.12	C4G	28.12
T4RM	19.12	C5G	22.12
T5RM	15.12	X1L	62.12
T3RK	23.12	X2L	61.12
T4RK	19.12	X3L	59.12
T5D	21.12	X4L	56.12
T4D	17.12	X5L	45.12
T5D	15.12	X1F	61.12
T3GF	19.12	X2F	60.12
T4GF	17.12	X3F	58.12
T5GF	14.12	X4F	56.12
T3GR	17.12	X5F	41.12
T4GR	15.12	X3FM	53.12
T5GR	13.12	X4FM	49.12
C1L	64.12	X5FM	37.12
C2L	63.12	X3R	51.12
C3L	62.12	X4R	45.12
C4L	60.12	X5R	33.12
C5L	52.12	X3RM	45.12
C1F	63.12	X4RM	39.12
C2F	62.12	X5RM	29.12
C3F	60.12	X3G	36.12
C4F	58.12	X4G	30.12
C5F	50.12	X5G	20.12
C3FV	55.12	N1L	22.12
C4FV	53.12	N1R	12.12
C3FM	55.12	N1G	12.12

(Sec. 8, 56 Stat. 765, 767, 58 Stat. 642, 59 Stat. 306, 506, Pub. Laws 806, 897, 80th Cong., 50 U. S. C. App. 968)

Issued this 22d day of October 1948.

HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: October 22, 1948.

F. K. WOOLLEY,
Acting President, Commodity
Credit Corporation.

[F. R. Doc. 48-9505; Filed, Oct. 27, 1948;
8:53 a. m.]

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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[S. D. 275]

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1948 CROP OF FLORIDA SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing in Clewiston, Florida, on May 15, 1948, the following determination is hereby issued:

§ 802.20 Fair and reasonable prices for the 1948 crop of Florida sugarcane—

(a) *Basic price.* When the price of 96° raw sugar is 3.50 cents per pound, the basic price for 1948 crop of Florida sugarcane shall be not less than \$1.00 per ton of standard sugarcane for each 1 cent of the average price per pound of raw sugar determined in accordance with whichever of the following options is agreed upon: (1) The average price per pound of 96° raw sugar, less the sum of 0.23 cent plus the transportation tax payable on such amount under Section 3475 of the Internal Revenue Code, for the week in which such sugarcane is delivered; or (2) the average price per pound of 96° raw sugar, less the sum of 0.23 cent plus the transportation tax payable on such amount under Section 3475 of the Internal Revenue Code, for the period beginning October 15, 1948, and ending May 31, 1949; except that if the Director of the Sugar Branch determines that for any week or weeks such weekly averages do not reflect the true market value of sugar, because of inadequate volume or other factors, the Director may designate the weekly and seasonal prices to be effective under this determination: *Provided however*—

(i) That for each decline of $\frac{1}{4}$ cent in the price of 1 pound of 96° raw sugar below 3.50 cents per pound, the price of standard sugarcane shall be reduced by not more than 3 percent, with interven-

ing prices in proportion, unless the price of sugar falls below 2.75 cents per pound, in which case no further reduction shall be made; and

(ii) That for an advance of $\frac{1}{4}$ cent in the price of 1 pound of 96° raw sugar above 3.50 cents per pound, the price of standard sugarcane shall be increased by not less than 3 percent, with intervening prices in proportion, unless the price of raw sugar exceeds 3.75 cents per pound, in which case settlement shall be made on the basis of \$1.03 for each 1 cent of the price.

(b) *Standard sugarcane.* Standard sugarcane shall be sugarcane containing 11.0 percent of sucrose in the normal juice: *Provided however*—

(1) That premiums and discounts (except as provided in subparagraph (2) of this paragraph) shall be applied in accordance with the following table:

Percent sucrose in normal juice:	Standard sugarcane factor ¹
9.0	0.80
9.5	0.85
10.0	0.90
10.5	0.95
11.0	1.00
11.5	1.05
12.0	1.10
12.5	1.15
13.0	1.20
13.5	1.25

¹ To be applied to tons of actual sugarcane delivered at stated sucrose levels. Intermediate points within the scale are to be interpolated. Points above 13.5 percent sucrose in normal juice are to be in proportion to the immediately preceding bracket.

(2) That discounts applicable to sugarcane containing less than 9.0 percent of sucrose in normal juice shall be as agreed upon between the producer and the processor.

(c) *Molasses bonus.* On each ton of Florida sugarcane there shall be paid a molasses bonus equal to 2.75 times the amount, if any, by which the average net liquidation from disposal of blackstrap or final molasses exceeds 6.75 cents per gallon, f. o. b. sugarhouse tanks at Clewiston, Florida, during the twelve months ended May 31, 1949.

(d) *General.* (1) The established customs and practices with respect to methods of sucrose analysis, deductions for frozen sugarcane based upon decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery points, delivery schedules, and similar terms, as employed in connection with the purchase of the 1947 crop shall be employed in connection with the purchase of 1948 crop sugarcane.

(2) The processor shall not reduce returns to the producer below those contemplated by this determination through any subterfuge or device whatsoever, but nothing in this subparagraph shall be construed as prohibiting modifications of practices which may be necessary because of unusual circumstances, any such modifications to be subject to review by the Director of the Sugar Branch in the event of changes alleged to be unfair to either the producer or the processor.

(3) All references to the price of 96° raw sugar in this determination shall

mean the price of 96° raw sugar, New York, duty paid basis, delivered.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices which must be paid for 1948 crop sugarcane purchased by producer-processors (i. e., producers who are also directly or indirectly processors of sugarcane) as one of the conditions for payment under the Sugar Act of 1948. In this Statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination" identified by the crop year for which effective.

(b) *Requirements of the Sugar Act.* The Sugar Act requires that in determining fair and reasonable prices public hearings be held and investigations be made. Accordingly, on May 15, 1948, a public hearing was held at Clewiston, Florida, at which time interested parties presented testimony with respect to fair and reasonable prices for sugarcane of the 1948 crop. In determining fair and reasonable prices consideration has been given to the information obtained at the hearing and to data resulting from investigations of pertinent economic factors.

(c) *Background.* In the Florida sugarcane area only one producer-processor purchases sugarcane from other producers. Prior to enactment of the Sugar Act of 1937, sugarcane was purchased according to terms of contracts negotiated annually by the parties. These contracts provided a scale of payments per ton of sugarcane based on the seasonal average price of raw sugar at New York and the quality of sugarcane measured by percent of sucrose in "crusher" juice. In 1938 a five-year purchase contract was negotiated, but since its expiration in 1942 formal contracts have not been used in this area.

Determinations of fair and reasonable prices for Florida sugarcane have been issued for each crop beginning with the 1937 crop. Determinations for the 1937 through 1941 crops generally approved the contracts between the producer-processor and producers. In 1941 the determination included a clause providing for producer participation in molasses net returns in excess of 6 $\frac{1}{4}$ cents per gallon. This action was taken after the price of molasses had risen to a point where it became a significant factor in the total income to the Florida sugar industry. The 1942 price determination established prices per ton of sugarcane to be paid by the producer-processor which were based on the scale of payments used in the cane purchase contract effective in western Louisiana. This action was taken to provide for a higher degree of uniformity in purchase contracts in use in the mainland cane sugar area and resulted in higher returns to Florida producers than they would have received under the purchase agreement negotiated between the parties in 1938. When the western Louisiana purchase contract was adopted for Florida the cost of shipping raw sugar from the principal raw sugar mill to the nearest refiner was 0.33 cent per pound of raw sugar as compared with 0.16 cent per pound from

western Louisiana raw sugar mills to refiners. In both areas the freight was paid by the producer-processor. Therefore, in order to equalize the freight differential between the two areas, the price determination provided for a deduction of 0.17 cent plus transportation tax of 3 percent payable on such amount under the Revenue Act of 1942 from the New York price of raw sugar in arriving at the f. o. b. mill value of sugar.

Price determinations for the crops of 1943 through 1947 continued the 1942 crop price scale. At public hearings the producer-processor and producers have recommended continued use of this scale.

(d) *1948 price determination.* The 1948 price determination is changed in two respects from the 1947 determination:

(1) The freight rate differential of 0.17 cent per pound plus transportation tax on such amount payable under section 3475 of the Internal Revenue Code has been replaced by a differential of 0.23 cent per pound plus the applicable transportation tax. The differential has been increased because interstate freight rates applicable to raw sugar shipments in Florida have increased more than have intrastate freight rates applicable to western Louisiana processors shipping raw sugar to New Orleans.

(2) The definition of standard sugarcane has been revised to provide for the determination of the quality of the juice in sugarcane on the basis of normal juice. In addition a fixed par in normal juice has replaced the par range in crusher juice. Under this determination standard sugarcane is defined as sugarcane containing 11.0 percent sucrose in the normal juice. Premiums and discounts of 1 percent are provided for each 1/10 point change in the normal juice above or below 11.0 percent. When sugarcane contains less than 9.0 percent sucrose in normal juice, the determination provides that the applicable discount shall be as agreed between the producer and producer-processor.

Historically the quality of sugarcane delivered by producers to the producer-processor in Florida has been determined by the percentage of sucrose in "crusher" juice rather than in "normal" juice. Recently, however, the commercially recoverable sugar calculation used in determining Sugar Act payments to Florida producers was revised to provide for such calculation on the basis of the percentage of sucrose in normal juice rather than on the sucrose content of crusher juice. This revision was made to reflect more accurately current sugar recovery from Florida sugarcane.

Under former fair price and commercially recoverable sugar determinations the par sucrose range of 11.5 to 12.5 percent of sucrose in normal juice was determined to be equivalent to 10.354 to 11.432 percent of sucrose in crusher juice. Under the revised determination of commercially recoverable sugar 11.0 percent of sucrose in normal juice which has been adopted as the fixed par in this determination is equal to 11.53 percent of sucrose in crusher juice. The adoption of a fixed par in normal juice ties producer returns directly to each degree of quality of sugarcane delivered and

eliminates the inequity of a par bracket whereby producer returns were the same for sugarcane of varying quality within the par bracket. Because of the shift from a par range in crusher juice to a fixed par in normal juice it has been necessary to adjust the scale of standard sugarcane conversion factors. Except at extremely low levels of sucrose, producers will receive approximately the same returns under the new scale as they received under the old scale. Adoption of the new scale also corrects inequities whereby at lower levels of sucrose, producer-processors were required to pay a disproportionately high share of returns from sugar to producers.

In view of the foregoing, I hereby find and conclude that the determination made herein for the 1948 crop of Florida sugarcane is fair and reasonable and that compliance therewith will effectuate the purposes of section 301 (c) (2) of the Sugar Act of 1948.

(Secs. 301, 403, Pub. Law 388, 80th Cong., 61 Stat. 929, 932; 7 U. S. C., Sup., 1131, 1153)

Issued this 22d day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9446; Filed, Oct. 27, 1948; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. ER-131]

PART 292—CLASSIFICATIONS AND EXEMPTIONS

AIR FREIGHT FORWARDERS

Correction

In Federal Register Document 48-8290, appearing at page 5395 of the issue for Thursday, September 16, 1948, the original document has been corrected so that the word "endorse" in § 292.6 (b) (3) shall read "enforce"

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Allocations Reg. 2, Amdt. 2 to Dir. 4A]

PART 336—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

USE AND EFFECT OF CERTIFIED EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS (1948-1949 EXPORT PROGRAM)

Purpose of Amendment 2. Due to delay in completing fiscal arrangements between this Government and certain foreign governments it has not been possible to complete issuance of export licenses in time to place prior to November 1, 1948 all orders certified under this Direction 4A. This Amendment 2 permits authorization by the Office of International Trade to exporters, after October 31, 1948, to use the symbol CXN on purchase orders subject to the limitations described, and provides that such certified orders may be placed up to

November 30, 1948. It also permits the placing up to December 15, 1948 of certified orders authorized by the ODC for anhydrous ammonia required by converters to fill certified orders. The amendment, however, will not result in any increase in tonnage which commercial producers of fertilizer materials will be required to ship during the first half of 1949 above that originally planned in the program, and the Office of International Trade will limit accordingly the issuance of export licenses under the new paragraph (h) in respect to OIT authorizations issued before November 1, 1948, the provisions of paragraph (g) of Direction 4A to AR 2 continue to apply.

Direction 4A to Allocations Regulation 2, as amended August 17, 1948, is hereby further amended by adding a new paragraph (h) as set forth below, and relettering present paragraphs (h), (i) (j) (k) and (l) as (i), (j), (k), (l) and (m) respectively.

(h) *Limitations on certified orders placed after October 31, 1948—(1) Time limit on placing orders—(i) Purchase orders for nitrogenous fertilizer materials for export.* Purchase orders for nitrogenous fertilizer materials for the export program for which the Office of International Trade after October 31, 1948 issues an export license and authorizes the use of the symbol CXN, must be placed not later than November 30, 1948. When OIT authorizes a certified order under this paragraph (h) it will identify the authorization with a number preceded by the abbreviation "Nqv." Any CXN-Nov- certified order for nitrogenous fertilizer materials placed after November 30, 1948 need not be treated as a certified order. Certified orders for nitrogenous fertilizer materials and orders for anhydrous ammonia placed with primary producers need not call for delivery prior to January 1, 1949, although if shipment can be made in whole or in part before January 1, 1949 such earlier shipment will help meet the objectives of the export program.

(ii) *Purchase orders for anhydrous ammonia.* Where a converter requests the ODC to assist him in securing anhydrous ammonia needed to manufacture the nitrogenous fertilizer materials covered by a CXN certified export order, authorized under this paragraph (h), and receives from ODC an authorization to place a certified order for an approved quantity of anhydrous ammonia pursuant to paragraphs (d) and (e) of this Direction 4A, such orders must be placed with a primary producer not later than December 15, 1948. A certified order for anhydrous ammonia placed with a primary producer after December 15, 1948 need not be treated as a certified order.

(2) *Delivery dates.* No commercial supplier need deliver in any month against certified orders accepted by him more than 30% of his total production of the type of material covered by the orders in that month.

(3) *Ceilings on orders against producers.* The provisions of paragraph (g) (3) of the Direction 4A apply to certified orders for nitrogenous compounds (including anhydrous ammonia) or nitrogenous fertilizer materials placed after October 31, 1948, as well as to certified

orders which have been placed prior to November 1, 1948.

(Pub. Laws 188, 806, 80th Cong., E. O. 9841, April 23, 1947, 12 F. R. 2645; Materials Control Reg. 1 as amended May 7, 1948, 13 F. R. 2508)

Issued this 26th day of October 1948.

OFFICE OF DOMESTIC
COMMERCE,

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

Interpretation 1 to Direction 4A to Allocations Regulation 2, as Amended October 26, 1948

Paragraphs (g) (2) and (h) (2) of Direction 4A, as amended, provide that no commercial supplier need deliver against certified orders in any month more than 30% of his total production of the particular type of material in that month. A certified purchase order calling for more than 30% of such supplier's total production of the particular product may not be totally rejected by the supplier for that reason. It must be accepted and filled up to an amount which, either alone or added to certified orders already accepted by him, totals the 30% limit. Any balance over and above such amount need not be treated as part of the certified order.

Paragraph (g) (3) of Direction 4A, as amended, provides that, except in the case of a converter, no producer of nitrogenous compounds (including anhydrous ammonia) or nitrogenous fertilizer materials need accept purchase orders certified under this Direction 4A calling for more nitrogen than 3.25% of his total production of nitrogen (in all forms) during the fertilizer year July 1, 1947-June 30, 1948, if he was in production during the whole of that year. A certified purchase order for anhydrous ammonia which calls for more than 3.25% of the producer's total production of nitrogen (in all forms) during the fertilizer year July 1, 1947-June 30, 1948, may not be totally rejected by the producer for that reason. It must be accepted and filled by him up to an amount which, either alone or added to certified orders previously accepted, totals the 3.25% limit. Any balance over and above such amount need not be treated as part of the certified order.

[F. R. Doc. 48-9542; Filed, Oct. 27, 1948; 10:18 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 142; Docket R-109]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 141—STATEMENTS AND REPORTS (SCHEDULES) FEDERAL POWER ACT

AMENDMENTS OF RULES PRESCRIBING FORM AND FILING OF ANNUAL REPORTS, AND UNI- FORM SYSTEM OF ACCOUNTS

OCTOBER 6, 1948.

In the matter of amendment of rules prescribing the form and filing of annual

reports, FPC Form No. 1, for Electric Utilities and Licensees (Classes A and B), and amendment of General Instruction 2 of Uniform System of Accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act; Docket No. R-109.

The Commission having under consideration an amendment to § 141.1 entitled "Annual Report, Form No. 1, Electric Utilities and Licensees (Classes A and B)" of Part 141—Statements and Reports, Subchapter D—Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, to prescribe the accompanying revised Annual Report Form for Electric Utilities and Licensees (Classes A and B), including the revised instructions and schedules therein contained, to be prepared and filed annually with the Commission, and an amendment to § 101.03-2 entitled "Records" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations.¹

It appears to the Commission that: (a) General public notice of the proposed rule making in the above-entitled matter was given by publication of notice in the FEDERAL REGISTER on June 10, 1948 (13 F. R. 3135), and by mailing notices to interested persons and State and Federal regulatory agencies, together with copies of the proposed amendments. Interested persons were given to and including July 15, 1948, later extended to and including August 16, 1948, to submit data, views and comments in writing concerning the proposed amendments in the above-entitled matter.

(b) In response to the general public notice of June 10, 1948, comments were filed by regulatory agencies and representatives of the utility industry.

(c) The proposed revisions to the aforesaid Form its schedules and instructions are designed primarily to simplify and clarify schedules previously prescribed, to eliminate some schedules previously prescribed, and to secure additional information required in the administration of the Federal Power Act.

(d) The proposed revisions to the aforesaid Form, its schedules and instructions, were developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, which had conferred on numerous occasions with committees representing the electric utility industry regarding revisions to said Form, schedules and instructions.

The Commission finds that: Upon consideration of the proposed amendments, comments and suggestions, adoption and promulgation of the proposed amendments, modified in accordance with certain of the suggestions filed in

¹ The reference to the Code of Federal Regulations, 18 CFR 101.03-2 corresponds to General Instruction 2, entitled "Records," appearing at pages 8-9 of the Commission's pamphlet publication of its Uniform System of Accounts prescribed for Public Utilities and Licensees subject to the provisions of the Federal Power Act, effective January 1, 1937.

this proceeding, are necessary and appropriate for the purposes of administration of the Federal Power Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 3 (13) 4 (a) through (c), 301 (a) 304 (a) 303 and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13) 797 (a) through (c), 825 (a) 825c (a) 825h, 825j) orders that:

(A) Section 141.1 entitled "Annual Report, Form No. 1, Electric Utilities and Licensees (Classes A and B)" of Part 141—Statements and Reports, Subchapter D—Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended to prescribe the accompanying revised Annual Report Form for Electric Utilities and Licensees (Classes A and B) including the revised instructions and schedules therein contained, to be prepared and filed annually with the Commission, in accordance with the instructions set forth in said revised Annual Report Form. The revised Form here adopted will supersede FPC Form No. 1, heretofore adopted and prescribed by the Commission's order dated August 6, 1937, as amended by its orders dated October 12, 1937, October 22, 1938, and October 17, 1939, and Order No. 75, dated September 24, 1940.

NOTE: The revised Annual Report Form, referred to herein, was filed with the original document. Copies may be obtained from the Federal Power Commission, Washington 25, D. C.

(B) Section 101.03-2 entitled "Records" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended by adding a new paragraph to read as follows:

(h) The arrangement and order in which the accounts are presented in this system of accounts are not to be interpreted as determinative of the arrangement and order in which they will be scheduled in the report forms prescribed by the Commission.

(C) This order, the Form herein prescribed, and the amendment to the Uniform System of Accounts shall become effective December 31, 1948, and shall as of that date supersede the form prescribed by the orders referred to in Paragraph (A) hereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER. (49 Stat. 838, 839, 854, 855, 858, 1839; 16 U. S. C. 796 (13), 797 (a) (b) (c) 825 (a) c (a), h, j)

NOTE: The reporting requirements of the revised Annual Report Form, FPC Form No. 1, prescribed by FPC Order No. 142, dated October 6, 1948, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Date of Issuance: October 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9478; Filed, Oct. 27, 1948; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52074]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; SHELLED ALMONDS FROM SPAIN

The net amount of bounty or grant on shelled almonds from Spain declared pursuant to the provisions of section 303, Tariff Act of 1930, and collectors of customs instructed to collect additional duties equal to such net amount of bounty or grant. Section 16.24 (a) Customs Regulations of 1943, amended.

The Bureau is in receipt of official information that a bounty or grant, within the meaning of section 303, Tariff Act of 1930 (19 U. S. C. 1303), is paid or bestowed upon the export of shelled almonds to the United States from Spain.

I have estimated and determined and hereby declare the net amount of such bounty or grant paid or bestowed with respect to such almonds to be 6 pesetas per kilogram.

Collectors of customs, therefore, shall collect on the above-described shelled almonds, imported directly or indirectly, additional duties under section 303 of the tariff act at the rate set forth above, when such shelled almonds are entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after the publication of this decision in the weekly Treasury Decisions.

Section 16.24 (a) Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.24 (a)) is hereby amended by inserting in line below the present entry opposite the word "Spain" the words "Shelled almonds" in the column headed "Commodity" the number of this decision in the column headed "Treasury Decision" and the words "Assessed duty declared" in the column headed "Action."

(R. S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U. S. C. 66, 1303, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: October 21, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9488; Filed, Oct. 27, 1948;
8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PERUVIAN CANNED BONITO AND TUNA

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238) the following statement of policy and interpretation is issued.

§ 3.6 Notice to importers of Peruvian canned fish. In collaboration with the United States Department of State and officials of the Government of Peru, the

Food and Drug Administration of the Federal Security Agency has made a study in Peru of the canning of bonito and tuna packed for exportation to the United States. The fish known in Peru as bonito constitutes a major portion of the pack. Representative specimens of Peruvian bonito have been identified as the species *Sarda chilensis*. This confirms previous information that the species of fish constituting the commercial bonito fishery in Peru is the same species of bonito that has been packed in this country in small quantities and sold as bonito for many years. Minor quantities of another bonito, *Sarda velox*, are apparently caught in Peruvian waters but do not enter the commercial pack to any significant degree. The bonitos, *Sarda chilensis* and *Sarda velox*, are not classified as tuna and under the provisions of the Federal Food, Drug, and Cosmetic Act have never been legally labeled as tuna, but must be labeled as "bonito" or "bonito fish."

Two species of tuna, "skipjack" (*Katsuwonus pelamis*) and "yellowfin" (*Thunnus macropterus*) are commercially canned in Peru but constitute a relatively small proportion of the Peruvian pack of canned fish exported to the United States.

Information developed during the investigation in Peru shows that the bonito (*Sarda chilensis*) can be readily distinguished from the tunas. Consequently no difficulty should be encountered by packers in keeping separate the fish in the two classifications and in properly labeling the canned product before shipment.

The provisions of the Federal Food, Drug, and Cosmetic Act require that importations of canned bonito and canned tuna, when offered for entry into the United States, must bear labels designating the product as "bonito" or as "tuna" as the case may be. Shipments that are unlabeled or mislabeled when offered for entry must be detained and are subject to refusal of admission, with consequent exportation or destruction.

Dated: October 20, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator

[F. R. Doc. 48-9473; Filed, Oct. 27, 1948;
8:48 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11, 21 U. S. C., Supp. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215, 5586) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 13 F. R. 436, 1087, 2291) are amended as indicated below.

1. In § 141.101 the first sentence of paragraph (j) *Turbidimetric assay*, is amended to read: "In lieu of the plate assay method described above, the sample may be assayed for potency by the following turbidimetric method: (1) Employ the agar described in paragraph (b) of this section (adjusted to a final pH 7.0) for maintaining the test organism, which is *Klebsiella pneumoniae* (P. C. I. 602) noncapsulated."

2. In § 146.24, the second sentence of paragraph (b) *Packaging*, is amended by inserting "300,000 units," between "200,000 units" and "500,000 units."

3. In § 146.45 the second sentence of paragraph (b) *Packaging*, is amended to read: "The quantity of procaine penicillin in oil in each such container shall be not less than 1 ml. and not more than 20 ml., unless it is packaged for repackaging or is packaged and labeled solely for veterinary use."

This order, which provides for an alternative assay method for streptomycin; for the packaging of sodium, potassium, or calcium penicillin in 300,000-unit containers; and for the packaging of procaine penicillin in oil in larger containers than 20 milliliters if it is packaged for repackaging or is labeled solely for veterinary use, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for an alternative assay method for streptomycin; for the packaging of sodium, potassium, or calcium penicillin in 300,000-unit containers; and for packaging procaine penicillin in oil in larger than 20-milliliter containers if packaged for repackaging or packaged and labeled solely for veterinary use.

(52 Stat. 1040, 1055, as amended; 21 U. S. C. and Supp., 357)

Dated: October 20, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator

[F. R. Doc. 48-9474; Filed, Oct. 27, 1948;
8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 602—FIELD ORGANIZATION AND FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS OF AUTHORITY TO REGIONAL PROPERTY AND SERVICES OFFICERS

Section 602.2 (c) (1) is amended by adding a subdivision (1) as follows:

§ 602.2 *Delegations to regional office officials.* * * *

(c) *Delegations of authority to regional property and services officers.*
(1) * * *

(ii) To sign Certificates of Release (Standard Form 97) for transfer of motor vehicles from the Public Housing Administration to a private purchaser.

Approved: October 19, 1948.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-9472; Filed, Oct. 27, 1948;
8:46 a. m.]

Chapter VIII—Office of the Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

EVICIONS FROM HOUSING ACCOMMODATIONS FOR PURPOSE OF WITHDRAWAL FROM RENTAL MARKET

The following is an interpretation of section 209(a)(5) of the Housing and Rent Act of 1947, as amended (61 Stat. 200 as amended by 62 Stat. 37 and by 62 Stat. 98; 50 U. S. C. App. 1899(a)(5)).

Section 206(b) of the Housing and Rent Act of 1947, as amended, authorizes the Housing Expediter to apply for an injunction whenever in his judgment any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of Title II of that act, including section 209 thereof which relates to evictions.

Section 209(a)(5) of the Housing and Rent Act of 1947, as amended, provides as follows:

SEC. 209. (a) No action or proceeding to recover possession of any controlled housing accommodations with respect to which a maximum rent is in effect under this title shall be maintainable by any landlord against any tenant in any court, notwithstanding the fact that the tenant has no lease or that his lease has expired, so long as the tenant continues to pay the rent to which the landlord is entitled unless:

(5) The landlord seeks in good faith to recover possession of such housing accommodations for the immediate purpose of withdrawing such housing accommodations from the rental market, and such housing accommodations shall not thereafter be offered for rent as such;

A landlord may not, under section 209 (a) (5) evict a tenant from housing accommodations for the purpose of obtaining vacant possession in order to sell the housing accommodations. Since section 209 (a) (5) is only one of several grounds for eviction under the act, it is clear that it was not intended that this section should broaden or defeat the purpose of limitations placed in the other grounds. It follows, therefore, that since section 209 (a) (3) provides for eviction where "the landlord has in good faith contracted in writing to sell the housing accommodations to a purchaser for the immediate and personal use and occupancy as housing accommodations by such purchaser;" section 209 (a) (5) may not be used in cases where sales are involved.

That is to say, since a tenant may be evicted for occupancy by a purchaser

under section 209 (a) (3), a landlord may not evict under section 209 (a) (5) for the purpose of obtaining vacant possession in order to sell.

Issued this 25th day of October 1948.

ED DUPREE,
General Counsel.

[F. R. Doc. 48-9481; Filed, Oct. 27, 1948;
8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes [T. D. 5602]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME FOR FILING FINAL RETURNS OF DECEDENTS

On August 14, 1948, notice of proposed rule making regarding the time for filing the final income tax return of a decedent for a fractional part of the year was published in the FEDERAL REGISTER (13 F. R. 4712). No objection to the rules proposed having been received, the following amendments to Regulations 111 (26 CFR, Part 29) are hereby adopted. The amendments are designed to provide a uniform rule so that the time for filing the final income tax return of a decedent is the time the return would have been due had death not occurred, regardless of whether prior to his death the decedent made his returns on the fiscal year basis or the calendar year basis.

PARAGRAPH 1. Section 29.53-1 of Regulations 111, as amended by Treasury Decision 5616, approved May 20, 1948 is further amended as follows:

(A) By inserting in paragraph (d) thereof after "fractional part of a year" the following: "ending prior to January 1, 1949"

(B) By inserting in paragraph (e) thereof after "fractional part of a year" the following: "ending in 1947 or 1948"

(C) By redesignating paragraph (f) thereof as paragraph (g).

(D) By inserting immediately after paragraph (e) thereof the following new paragraph:

(f) In the case of a final return of a decedent for a fractional part of a year ending in 1949 or thereafter, on or before the fifteenth day of the third month following the close of the twelve-month period which began with the first day of such fractional part of the year.

PAR. 2. This Treasury decision shall be effective on the thirty-first day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

FRED S. MARTIN,
Acting Commissioner of
Internal Revenue.

Approved: October 21, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8485; Filed, Oct. 27, 1948;
8:49 a. m.]

Subchapter C—Miscellaneous Excise Taxes [T. D. 5603]

PART 183—PRODUCTION OF DISTILLED SPIRITS

ESTABLISHMENT AND OPERATION OF DISTILLERIES

1. On July 27, 1948, notice of proposed rule-making, regarding the production of distilled spirits, was published in the FEDERAL REGISTER (13 F. R. 4283)

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 183.5, 183.6, 183.9, 183.13, 183.14, 183.15, 183.35, 183.41, 183.44, 183.45, 183.46, 183.51, 183.52, 183.56, 183.62, 183.70, 183.74, 183.75, 183.78, 183.79, 183.81, 183.94, 183.121, 183.122, 183.125, 183.127, 183.128, 183.132, 183.133, 183.134, 183.138 (a) (2), 183.143 to 183.146, 183.148, 183.149, 183.152 (a) (3), 183.156 (a) (b) 183.157 (b), 183.158, 183.160, 183.169, 183.172, 183.176, 183.256, 183.370, 183.437, 183.438, 183.439, 183.441, 183.445, and 183.446 of Regulations 4 (26 CFR, Part 183), approved February 28, 1940, are hereby adopted, and §§ 183.7, 183.8, 183.126, 183.155 (a) (2), 183.155 (b) (3) 183.174, and 183.175 of such regulations are hereby revoked.

3. These amendments are designed to simplify certain requirements relating to construction, and the preparation, filing, and approval of documents in connection with the establishment and operation of distilleries. It is not intended by these amendments to require distillers to file additional plats and plans, or to repaint pipe lines or change equipment immediately, in cases where the existing documents, pipe lines, and equipment conform essentially to the regulations prior to these amendments. Upon filing new plats and plans, repainting pipe lines, and installing equipment, these new requirements must be observed.

§ 183.5 *Within 600 feet of rectifying plant.* No distiller shall carry on the business of distilling spirits at a distance of less than 600 feet in a direct line from a rectifying plant, except when he has been so authorized by the district supervisor. The district supervisor may grant such authority when he is of the opinion that the revenue will not be endangered thereby. (Secs. 2819, 3170, 3176, I. R. C.)

§ 183.6 *Special application.* A person desiring to operate a distillery within 600 feet of a rectifying plant shall file a special application, in triplicate, for such privilege, with the district supervisor. The application shall state the locations of the distillery and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipe lines, the reason for locating the distillery within 600 feet of the rectifying plant, and any additional information which the district supervisor may require. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.158. (Secs. 2819, 3170, 3176, I. R. C.)

§ 183.9 *Changes requiring approval.* Where there is to be a change in the distance between a distillery and a rectifying plant located within 600 feet of each other as a result of the extension or curtailment, or other change of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which is to be extended or curtailed. Where a change occurs in the proprietorship of a distillery or rectifying plant located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the distillery premises are extended or curtailed as the result of such change, the change may be reflected in the next amended or annual notice, Form 27-A, and plat, filed by the distiller. Such new special application shall be considered and disposed of in accordance with the procedure prescribed in § 183.158. (Secs. 2819, 3170, 3176, I. R. C.)

§ 183.13 *Walls.* The outside walls of distillery buildings must be securely and substantially constructed. If wood, corrugated iron, or tin is used, the same must be applied over solid sheathing for the first 12 feet of height, and over solid sheathing, or sheathing spaced not greater than 12 inches from board to board, for the remaining height. Where substantial sheet metal is used, and the sheets are welded together in such manner as to constitute a solid wall, sheathing may be applied in any manner desired. The ceiling and walls inside of the cistern room must be cased with matched tongue and groove boards, unless the use of other material affording equal protection from access without detection is approved by the Commissioner. (Sec. 3176, I. R. C.)

§ 183.14 *Roofs.* The roofs of distillery buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid roof, sheathing may be applied in any manner desired. (Sec. 3176, I. R. C.)

§ 183.15 *Doors.* The outside doors of the distillery buildings must be securely and substantially constructed and equipped so that they may be securely locked. In addition, the doors of cistern rooms, rectifying rooms, and other rooms required to be locked by § 183.418 must comply with the following requirements: The outside doors, and those on which Government locks are required, as hereinafter provided, must be securely constructed of heavy timber or iron, or other equally substantial material. The hinges must be secured by roundheaded or carriage bolts, nutted and riveted or bolted on the inside. Hinges that cannot be thus secured must be inaccessible from the outside, and so attached that they cannot be removed when the doors are closed. The outside doors, and those on which Government locks are required, must be equipped with hasp and staple securely fastened on the inside so that

they may be securely locked. The doors secured from the inside must be provided with a cross bar in the middle of the door, and strong and suitable attachments for the reception of locks. Where there are double doors, one of them, at least, must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial cross bars, or bolts that plunge into the upper and lower ends, or the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure. (Sec. 3176, I. R. C.)

§ 183.35 *Scales.* The distiller must provide in the cistern room suitable and accurate scales for weighing packages of distilled spirits. The distiller must also provide on the distillery premises suitable and accurate scales for the weighing of grain and other nonliquid distilling materials received and used: *Provided*, That where the distiller receives shipments of materials by rail or motor carrier, the shipper's weights appearing on the bill of lading or invoice may be recorded as the amount received, and, in such cases track or truck scales for weighing the materials received need not be furnished. Beams or dials of scales used to weight packages must indicate weight in half pound graduations. Beams or dials of weighing tank scales must indicate weight in five pound graduations or scales up to, and including, 25 tons capacity; in 10-pound graduations for scales exceeding 25 tons capacity, but not exceeding 60 tons capacity; and in 20-pound graduations for scales having a capacity of more than 60 tons. (Secs. 2808, 3176, I. R. C.)

§ 183.41 *Off-premises material conveyors.* Where distilling materials are conveyed to the distillery by chute, conveyor, or pipe line from adjacent premises, such chute, conveyor, or pipe line shall be equipped at a suitable place for locking with Government locks. (Secs. 2823, 2829, 3176, I. R. C.)

§ 183.44 *Washwater receiving tanks.* If carbon dioxide is recovered, and the washwater is to be utilized in the manufacture of distilled spirits, there must be provided a sufficient number of washwater receiving tanks, which shall be constructed of metal and be of uniform dimensions from top to bottom. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There must be painted on each tank the words, "Washwater Receiving Tank," followed by its serial number and capacity in wine gallons. The outlet valve must be equipped for locking with a Government lock. If the washwater is not used in the manufacture of distilled spirits, as provided by § 183.255, washwater receiving tanks need not be provided. (Secs. 2829, 3176, I. R. C.)

§ 183.45 *Stills.* The stills must be of substantial construction and must have a clear space of not less than one foot around them. The steam or fuel line to each still shall be equipped with a valve so constructed that it may be locked with a Government lock when the distillery is suspended, as required by § 183.363. The drain and wash-out pipes of stills must also, wherever practicable, be equipped with valves so constructed that they may be locked with Government locks. If there is a furnace under the stills or doublers, the door thereto must, as provided in § 183.39, be so constructed that it may be secured with a Government lock. There must be a clear space of not less than two feet around every doubler and condenser or worm tank. The doubler and worm tanks must be elevated not less than one foot from the floor. Every still must be numbered, commencing with number 1, and have painted thereon its designated use, such as "Beer Still," "Doubler," etc., and its number and spirit producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in the Appendix to the regulations in this part. Where the still is insulated, or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. (Secs. 2822, 3176, I. R. C.)

§ 183.46 *General requirements for tanks.* All tanks used as receptacles for spirits between the outlet of the first condenser or worm and the receiving cisterns shall be constructed of metal, and shall be of uniform dimensions from top to bottom, and shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. All tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than three feet between the top and the roof or floor above. All tanks, such as low-wine tanks, high-wine tanks, heads and tails tanks, fusel oil tanks, distilled water tanks, and similar equipment, shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in wine gallons. Manheads, inlets, and outlets of the tanks and all necessary openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the spirits, must be provided with facilities for locking with Government locks: *Provided*, That distilled water storage tanks need not be so equipped unless a pipe line is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 183.49. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with plant operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Tanks used as receptacles for spirits may be permanently connected with pipe lines for the conveyance thereto of air and also distilled water, but the distilled water pipe line must be affixed to the top of the tank, and may not extend into the tank. Such pipe lines must be equipped with a control valve

which may be locked with a Government lock. Pipe lines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks. (Secs. 2823, 2829, 3176, I. R. C.)

§ 183.51 *Rectifying equipment.* Where spirits are rectified, purified, or refined in a rectifying room or building, as provided in § 183.24, suitable tanks for the reception of the spirits to be so treated must be provided in such room or building. The pipes, percolators, vessels, and other apparatus used in purifying or refining spirits must be so constructed that the spirits will pass through the purifying process in their passage from the beer still to the receiving cisterns. The pipes, vessels, and other apparatus must be closed and continuous. All necessary openings must be so constructed that they may be closed and locked with Government locks. Except as provided by § 183.46, no permanent water pipe line shall be connected with the high-wine tanks, percolators, or other rectifying apparatus. (Secs. 2820, 2829, 3176, I. R. C.)

§ 183.52 *Receiving cisterns.* The distiller must provide in the cistern room receiving cisterns having sufficient capacity to permit the efficient deposit, withdrawal and supervision of each type of distilled spirits produced daily in accordance with the regulations in this part. The adequacy of the capacity of the receiving cisterns shall be determined by the district supervisor. Receiving cisterns must be constructed and arranged in conformity with the requirements of § 183.46, and, in addition thereto, such cisterns must be elevated not less than 18 inches from the floor and so separated that Government officers may pass completely around each. Each receiving cistern must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and shall have plainly and legibly painted thereon the words, "Receiving Cistern," followed by its serial number and capacity in wine gallons. The cisterns must not be connected with each other, except that a connecting pipe line will be permitted between them in order to prevent loss of spirits by overflow. Such connecting pipe line must be located as close to the top of each cistern as the construction thereof will permit, and it must be closed and all connections therein brazed or welded to prevent abstraction of spirits without showing evidence of tampering. A valve equipped for locking with a Government lock must be provided in such pipe line. Pipe lines connected with receiving cisterns must be brazed, welded, or otherwise secured and sealed, to the cisterns in such a manner that they cannot be detached or altered without showing evidence of tampering. Except as provided by § 183.46, pipe lines for the conveyance of water, air, or other substance than spirits may not be permanently connected with receiving cisterns. (Secs. 2817 (b), 2820, 3170, 3176, I. R. C.)

§ 183.56 *Colors for pipe lines.* The pipe lines in the distillery used for conveying the following substances shall be kept painted in the colors indicated:

Black-----	Whisky, gin, rum, or other finished spirits.
Blue-----	Vapor, singlings, high-wines and low-wines, or other unfinished spirits.
Red-----	Fermented mash or beer.
Gray-----	Molasses or other unfermented material.
Brown-----	Spent beer or slop.
Yellow-----	Fusel oil.
White-----	Water.
Aluminum---	Steam.
Orange-----	Air.
Olive green--	Carbon dioxide.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2822, 3176, I. R. C.)

§ 183.62 *Description of premises.* The lot or tract of land on which the distillery is situated must be described on Form 27-A by courses and distances, in feet and inches, with the particularity required in conveyances of real estate. If the distillery premises consist of two or more lots or parcels, the condition of the title to which is not the same, the entire distillery premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the distillery premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway opposite each other. The premises may be similarly divided by a railroad right-of-way, if the railroad is a common carrier. In such cases, each tract of land constituting the distillery premises shall be described separately on the form. (Secs. 2812, 3176, I. R. C.)

§ 183.70 *Distance from rectifying plant or vinegar factory.* If the distillery premises are situated more than 600 feet in a direct line from any premises authorized to be used for rectifying spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27-A. If the distance between the distillery premises and the premises of a rectifying plant is less than 600 feet in a direct line, there must be stated in the notice, Form 27-A, the name of the proprietor of the rectifying plant, the exact distance in feet and inches between the distillery and the rectifying plant, and whether the location of the distillery within such distance of the rectifying plant has been approved by the district supervisor. If such location of the distillery has been approved by the district supervisor, the date of such approval shall be given. If the distance between the distillery premises and a vinegar factory using the vaporizing process is less than 600 feet in a

direct line, such fact and the date of the establishment of the vinegar factory shall be stated on the form. (Secs. 2812, 2819, 2834, 2835, 3170, 3176, I. R. C.)

§ 183.74 *Application.* The application shall contain (a) an accurate description of the lot or tract of land on which the distillery is situated and of the distillery, the buildings, and the distilling apparatus thereon; (b) a full and clear statement of the condition of the title to the distillery premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, prior lessees, and other persons having liens thereon, the kind, date, and amount of each encumbrance, and the balance due thereon, and, in the case of apparatus or equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (c) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.160. (Secs. 2815, 3176, I. R. C.)

§ 183.75 *Bond, Form 3-A.* If the application is approved, the distiller shall execute bond on Form 3-A, "Bond of Indemnity in Favor of the United States," in triplicate, in conformity with the applicable provisions of §§ 183.93 to 183.119, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than \$1,000, no additional bond will be required. In the event of a failure of bond on Form 3-A the distiller will be no longer qualified, unless a new and satisfactory bond is filed. (Secs. 2815, 3176, I. R. C.)

§ 183.78 *Application.* Any distiller desiring to avail himself of the privilege of filing bond on Form 3 in lieu of the prescribed consent, must file application, in triplicate, with the district supervisor. The application must show that the distillery was erected prior to July 20, 1863, and contain a full and clear statement of the condition of the title or the nature of the incapacity of the holder of the fee, as the case may be. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.160. (Secs. 3176, 3180, I. R. C.)

§ 183.79 *Bond, Form 3.* If the application is approved, the distiller shall execute bond on Form 3, in triplicate, in conformity with the applicable provisions of §§ 183.93 to 183.119, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is located,

together with the buildings and distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than \$1,000, no additional bond will be required. The appraisal shall be made in accordance with the provisions of § 183.76. In the event of failure of bond on Form 3, the distiller will be no longer qualified, unless a new and satisfactory bond is filed. (Secs. 3176, 3180, I. R. C.)

§ 183.81 *Bond in lieu of consent where distillery is sold for United States.* Where a distillery is sold at a judicial or other sale in favor of the United States, the distiller may give bond on Form 3-A, in lieu of the consent of the person possessing the right of redemption and of any mortgagee, judgment-creditor, or other lienor, and be allowed, upon complying with all other provisions of law and these regulations, to operate such distillery during the existence of the right of redemption from such sale. A distiller desiring to give bond in such case shall file application, in triplicate, with the district supervisor for permission so to do. The application shall contain a full and clear statement of the condition of the title, including the name and address of the person having the right of redemption and of all encumbrancers, the kind, date, and amount of each encumbrance, the date of the sale, and the date of expiration of the right of redemption. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distillery apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than \$1,000, no additional bond will be required. The appraisal shall be made in accordance with the provisions of § 183.76. (Secs. 2815, 3176, I. R. C.)

§ 183.94 *Statement of process.* There must be submitted to the district supervisor with the distiller's original notice, Form 27-A, a statement of process, in triplicate. Upon any change in the process, a new statement, in triplicate, must be filed with the district supervisor who will forward all copies to the Commissioner in accordance with § 183.167. Reference by date to the current statement of process must be incorporated in each annual notice, Form 27-A. The statement of process should present a step by step description of the mashing, fermenting, distilling, purifying and refining processes used in the production of each type of distilled spirits. It must show specifically the kind and approximate quantity, or proportion of all non-alcohol producing materials or substances added to the yeast mash or beer for the purpose of providing yeast food, or for inhibiting the action of wild yeast, or for any other purpose, and all materi-

als used for purifying, refining, or otherwise treating the spirits. Samples of any such material or substance will be prepared and furnished to the district supervisor, upon request, for analysis by Government chemists. Materials or chemicals which are volatile, and would remain incorporated with the finished spirits after final distillation, may not be used, except that jumper berries and other aromatics may be used in the production of gin. (Secs. 3176, 3254 (g), I. R. C.)

§ 183.121 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than $\frac{1}{80}$ inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 183.122 *Depiction of distillery premises.* Plats must show the outer boundaries of the distillery premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning, with respect to its distance and bearings, from some near and well-known landmark, and must contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27-A. If the distillery premises consists of two or more lots or parcels of land, the condition of the title to which is not the same, each such lot or tract shall be separately depicted by courses and distances, in feet and inches, and such lots or parcels shall be delineated or cross-hatched in contrasting colors. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same, depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. Except as provided in § 183.131, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination will be indicated on the plat. (Secs. 2816, 3176, I. R. C.)

§ 183.125 *Floor plans.* The plans shall include a floor plan of each floor

of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans, and their designated use indicated. Pipe lines may also be shown, if desired. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown. (Secs. 2816, 3176, I. R. C.)

§ 183.127 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building, showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the distiller may submit a photograph of each exposure of each building in a size not smaller than 7 by 9 inches. The photographs must be in sufficient detail to clearly depict the buildings from the ground to the roof, and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded openings in all rooms required to be locked, such as cistern rooms, rectifying rooms, etc.. *Provided*, That in lieu of such drawings, the photographs may be noted to show the type of security afforded the openings in such rooms by reference to the appropriate sheet of plans on file, whereon such information is shown. (Secs. 2816, 3176, I. R. C.)

§ 183.128 *Pipe lines in colors.* The pipe lines must be shown on the plans in the colors in which they are required to be painted, as follows:

Black-----	Whisky, gin, rum, or other finished spirits.
Blue-----	Vapor, singlings, high-wines, low-wines, or other unfinished spirits.
Red-----	Fermented mash or beer.
Gray-----	Molasses or other unfermented material.
Brown-----	Spent beer or slop.
Yellow-----	Fusel oil.
White-----	Water.
Aluminum---	Steam.
Orange-----	Air.
Olive green--	Carbon dioxide.

(Secs. 2816, 3176, I. R. C.)

§ 183.132 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering: (a) Distilling material system, (b) mashing and fermenting systems, (c) distilling system, and (d) the cistern room system. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence, and elevation by floors with all connecting pipe lines, valves, flanges (except as provided in § 183.129), Government locks, measuring devices, etc. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All the flow diagrams as a unit must show the flow of the distilling material, and the resulting products, through the mills, mash tubs, fermenters, stills, doublers, try boxes, and other equipment, and the deposit and removal of the finished spirits from the cistern room. All major equipment, fermenters, stills, etc., must be identified on these

plans as to number and use. The elevational flow diagrams must be so drawn that all fixed pipe lines, except those indicated by § 183.131 may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2816, 3176, I. R. C.)

§ 183.133 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right-hand corner of each sheet signed by the distiller, the draftsman, and the district supervisor, substantially in the following form:

(Name of distiller)

(Address)

Approved -----
(Date)

(District Supervisor)
Accuracy certified by

(Name and capacity—
for the distiller)

(Draftsman)
----- 19----- Sheet No. -----
(Date)

(Secs. 2816, 3170, 3176, I. R. C.)

§ 183.134 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2816, 3176, I. R. C.)

§ 183.138 *Change in proprietorship—(a) Suspension.*

(2) *Registry of stills.* If the business is to be permanently discontinued, file Form 26, registry of stills, in triplicate, in accordance with § 183.370.

§ 183.143 *Changes in premises.* Where the distillery premises are to be extended or curtailed, the distiller must file with the district supervisor an amended notice, Form 27-A, and an amended plat of the premises as extended or curtailed, except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. If the distillery is within 600 feet of a rectifying plant, the distiller must also file a special application in accordance with §§ 183.6 and 183.9. The additional premises covered by an extension may not be used for distillery purposes, and the portion of the distillery premises to be excluded by a curtailment may not be used for other than distillery purposes, prior to approval of the notice, Form 27-A. Where an internal revenue bonded warehouse containing a bottling-in-bond department is located on the distillery premises, and the documents required by Part 188 (Regulations 6), governing the alternate operation of the bottling house as a bottling-in-bond department and a tax-paid bottling house, are filed, and no

change in proprietorship is involved, the filing of additional notices, Form 27-A, covering changes in the temporary status thereof from time to time will not be required. (Secs. 2812, 2816, 2819, 2873, 2904, 3176, 4041, I. R. C.)

§ 183.144 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the distillery premises, or where a change is to be made in the use of any portion of such premises, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless they are of such a nature as, in the opinion of the district supervisor, do not require such supervision. The completed changes will be reflected in the next amended or annual notice, Form 27-A, and amended plans filed by the distiller, unless the district supervisor requires the immediate filing of an amended notice and amended plans. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 183.145 *Indemnity bond covering changes in buildings.* If buildings on the distillery premises, or on premises which have been eliminated from the distillery premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes exists on such property under section 2800 (e) I. R. C., the distiller, if (a) the owner of the fee unencumbered, or (b) consents, in accordance with § 183.72, are necessary and have been obtained, must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property. *Provided*, That, if such decrease in value is less than \$1,000, no indemnity bond will be required. (Secs. 2800 (e), 3176, I. R. C.)

§ 183.146 *Appraisal.* The amount of the decrease in the value of the property subject to the Government's lien, which will be caused by the demolition or alteration of buildings, shall be determined by appraisal by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, of their appraisal, which shall include information as to the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless made by Government officers. The district supervisor may dispense with the formal appraisal when he has reason to believe that the value of the property concerned is less than \$1,000. (Secs. 2800 (e), 3176, I. R. C.)

§ 183.148 *Indemnity bond covering removal of equipment.* If distilling apparatus or equipment on which a lien has attached under section 2800 (e), I. R. C., for taxes on spirits produced which have not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the distillery premises without adding property that will become a fixture in law of an equal or greater value than the

apparatus or equipment to be removed, the distiller must file with the district supervisor an indemnity bond on Form 1617, in triplicate. Such bond must be in a penal sum equal to the value of the apparatus or equipment to be removed or equal to the excess in value of the apparatus or equipment to be removed over the value of the property to be substituted therefore: *Provided*, That if such value or difference in value, as the case may be, is less than \$1,000, no indemnity bond will be required. The value of the distilling apparatus or equipment to be removed, or the difference between the value of such old apparatus or equipment and the value of the new property to be added will be determined in the manner prescribed in § 183.146. (Secs. 2800 (e), 3176, I. R. C.)

§ 183.149 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27-A or plans, the distiller must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipe lines, or the addition or removal of a tank, the distiller must include such changes in the next amended or annual notice, and amended plans to be filed by him. The Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended notice and plans covering any change in equipment. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 183.152 *Qualification—(a) Where no bonded warehouse on premises.*

(3) *Registry of stills.* Register the stills on Form 26, in triplicate, in accordance with § 183.370, if not previously registered.

§ 183.156 *Where operation of warehouse on premises is continued—(a) Suspension.* Where an internal revenue bonded warehouse is located on the registered distillery premises and the registered distiller desires to continue to operate the warehouse on such premises while the distillery is operated alternately as a registered distillery and as a fruit distillery or industrial alcohol plant, he must, upon suspension of the registered distillery, comply with the provisions of § 183.155 (a) (3) and (4) and, in addition thereto, the following requirements:

(b) *Resumption.* Where operation of the plant as a fruit distillery or industrial alcohol plant has been suspended, and operation thereof as a registered distillery is to be resumed, the registered distiller must comply with the provisions of § 183.155 (b) (5), (6) and (7), and, in addition thereto, the following requirements:

§ 183.157 *Where bonded warehouse is discontinued or eliminated from registered distillery premises—(a) Suspension.*

(b) *Resumption.* Where operation of the plant as a fruit distillery or industrial alcohol plant has been suspended, and operation thereof as a registered distillery is to be resumed, the registered distiller must comply with the provisions of § 183.155 (b) (5) (6) and (7) and, in addition thereto, the following requirements:

§ 183.158 *Special application.* Where a special application for permission to operate a distillery within 600 feet of a rectifying plant is submitted by the distiller, and such special application conforms to the requirements of these regulations, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the distillery within 600 feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the distillery may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the distillery only, and does not authorize the operation thereof. The distillery may not be operated until the distiller's bond and other qualifying documents required by law and these regulations have been filed and approved by the Commissioner. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reasons for disapproval. (Secs. 2819, 3170, 3176, I. R. C.)

§ 183.160 *Indemnity bond application.* When an application for permission to file an indemnity bond in lieu of the written consent of the owner of the distillery premises or apparatus or equipment, or of any mortgagee, judgment creditor, conditional sales vendor, or other person having a lien thereon, is submitted by the distiller and such application conforms to the requirements of the regulations in this part, the district supervisor will cause an investigation to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. The appraisal shall be made as provided in § 183.146. If the district supervisor finds, upon consideration of the appraisal and reports of

investigation, that under the law and regulations an indemnity bond may properly be accepted in lieu of the consent of the owner or lienor, and if he is satisfied that the valuation placed upon the distillery property by the appraisers is fair, he will note his approval on all copies of the application. He will then return one copy of the approved application to the applicant and retain the original for his files. He will forward the remaining copy of the application and copies of the reports of investigation and appraisal to the Commissioner at the time of forwarding the indemnity bond. If the application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant with a statement of the reasons for disapproval. (Secs. 2815 (b) 3170, 3176, I. R. C.)

§ 183.169 *Disposition of qualifying documents.* Where the distiller's bond (Form 30) consent (Form 1602) if any, or indemnity bond filed in lieu thereof, and notice (Form 27-A) are approved by the Commissioner, the district supervisor will, upon receipt of approved copies of such documents from the Commissioner, as provided in § 183.176, forward one copy of the distiller's bond, consent or indemnity bond, notice, plat, plans, and other qualifying documents, and the original copy of the Federal Alcohol Administration Act permit to the distiller, and will retain one copy of such qualifying documents for the file of the distiller. If the distiller's bond, consent, or indemnity bond is disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such documents and other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reason for disapproval. (Sec. 3176, I. R. C.)

§ 183.172 *Applications and reports covering changes.* Where an application covering changes in the distillery apparatus or equipment, or in the construction or use of a room or building, is approved by the district supervisor, he will retain one copy of the application and forward one copy to the distiller and one copy to the Commissioner; and when reports covering changes in apparatus and equipment are received from Government officers in accordance with § 183.147, he will retain one copy and promptly forward one copy to the Commissioner. Similar disposition will be made of reports received from the distiller covering emergency repairs of distilling apparatus and equipment. Where changes in buildings, apparatus, or equipment are such as to require the filing of an indemnity bond, the district supervisor may approve the application, if he has recommended approval of the bond, and permit the changes in buildings, apparatus or equipment to proceed pending approval of the bond by the Commissioner. (Sec. 3176, I. R. C.)

§ 183.176 *Qualifying documents.* The Commissioner will review the notice, plat, plans, distiller's bond (Form 30), consent (Form 1602) if any, or indemnity bond filed in lieu thereof, and other qualifying documents, including application for Federal Alcohol Adminis-

tration Act permit, upon their receipt from the district supervisor. If the Commissioner approves the distillery construction and equipment, and the notice, plat, plans, distiller's bond, consent or indemnity bond, if any, and other qualifying documents, he will assign a registry number to the distillery in accordance with § 183.177, note his approval on all copies of the distiller's bond, consent or indemnity bond, and notice, retain one copy of the distiller's bond, consent or indemnity bond, and notice, and all copies of the other qualifying documents and will return two copies of the approved distiller's bond, consent or indemnity bond, and notice, to the district supervisor with advice as to his action on the qualifying documents. If the Commissioner disapproves the distiller's bond, he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval of the bond. (Secs. 2814, 2815 (b), 3170, 3176, I. R. C.)

§ 183.256 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States, at the rate prescribed therein, on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a), 3176, I. R. C.)

§ 183.370 *Registry on Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is located. Stills to be used for the production of various types of distilled spirits may be registered for "distilled spirits," and the specific type need not be shown. Thereafter, when the plant is changed from the production of one type of spirits to another, reregistration by the same distiller will not be required. The temporary suspension of a distillery does not necessitate reregistration of the stills. The operation of a distillery by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner, and return the remaining copy to the distiller. The distiller will retain his copy at the distillery available for inspection by Government officers. (Secs. 2810, 3170, 3176, I. R. C.)

§ 183.437 *Commissioner may authorize.* The Commissioner may, in his discretion, authorize the installation of a pipe line for the transfer of distilled spirits produced under section 2883, Internal Revenue Code, at a proof in excess of 159 degrees and reduced in the receiving cistern to not more than 159 and not less than 100 degrees proof, from the weighing tank in the cistern room of a

registered distillery, after tax payment, to storage tanks in a rectifying plant for use in rectification and bottling, or to storage or bottling tanks in a tax-paid bottling house for bottling, when such rectifying plant or tax-paid bottling house is contiguous to or is in the immediate vicinity of the distillery. The Commissioner will determine from all the circumstances in each case whether the rectifying plant or tax-paid bottling house is in the immediate vicinity of the distillery. (Secs. 2883, 3176, I. R. C.)

§ 183.438 *Application.* A distiller who desires to install a pipe line for the transfer of such spirits to a rectifying plant or tax-paid bottling house, contiguous to, or in the immediate vicinity of the distillery, must file application, in triplicate, with the district supervisor showing the relative positions of the plants and the proprietorship thereof, and giving a full description of the proposed pipe line. (Secs. 2883, 3176, I. R. C.)

§ 183.439 *Action on application.* Upon receipt of the application, the district supervisor will make such inquiry as he may deem necessary to determine the propriety of granting the permission sought and will then forward all copies of the application to the Commissioner with his recommendation thereon. The Commissioner will indicate his approval or disapproval on all copies of the application and will return two copies to the district supervisor who will forward one copy to the applicant. Where the application is approved, the distiller will, after installation of the pipe line, file amended notice, plat and plans, describing the pipe line and the flow of spirits in accordance with the regulations in this part. (Secs. 2883, 3176, I. R. C.)

§ 183.441 *Application, Form 179.* Where a pipe line has been installed for the transfer of distilled spirits direct from the weighing tank in the distillery to a rectifying plant or tax-paid bottling house, contiguous to or in the immediate vicinity of the distillery, under the provisions of these regulations, and the distiller desires to transfer such spirits, he shall execute application for the tax payment of such spirits on Form 179, in quadruplicate. The distiller and the storekeeper-gauger shall then proceed in accordance with the provisions of §§ 183.281, 183.282, and 183.297, respecting the gauging and withdrawal of spirits for tax payment in railroad tank cars, insofar as the provisions thereof are applicable. (Secs. 2883, 3176, I. R. C.)

§ 183.445 *Release of spirits for transfer.* When the certificate of tax payment has been affixed to the weighing tank and cancelled, the storekeeper-gauger will unlock the outlet valve and permit the distiller to transfer the spirits by pipe line to the rectifying plant or tax-paid bottling house named in the certificate. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger. After the spirits have been transferred, the storekeeper-gauger will forward one copy of Form 179 and Form 1520 and the cancelled Form 1595 to the district supervisor, retain one copy of Form 179 and Form 1520, and deliver one copy of Form

179 and two copies of Form 1520 to the distiller, who will immediately deliver one copy of Form 1520 to the rectifier or proprietor of the tax-paid bottling house. (Secs. 2883, 3176, I. R. C.)

§ 183.446 *Attachment of Form 1520 to storage tank.* The report of gauge, Form 1520, delivered to the rectifier or proprietor of the tax-paid bottling house by the distiller shall be attached to the storage tank in the rectifying plant or to the storage tank or bottling tank in the tax-paid bottling house, as the case may be. The rectifier or proprietor shall enter the date and quantity of removals from the tank in the blank space on such Form 1520. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the rectifier or proprietor of the tax-paid bottling house, available for inspection by Government officers. The spirits transferred by pipe line may not be used at the rectifying plant or tax-paid bottling house prior to attachment of Form 1520 to the storage tank or bottling tank, as the case may be. (Sec. 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER. (53 Stat. 298, as amended, 307, 308, as amended, 309-312, 314-316, 318-320, 332, 335, as amended, 343, 373, as amended, 375, 377, 391, 495; 26 U. S. C. 2808, 2810, 2812, 2814, 2815, 2816, 2817 (b), 2819, 2820, 2822, 2823, 2829, 2834, 2835, 2873, 2883, 2904, 3170, 3176, 3180, 3254, 4041)

[SEAL]

FRED S. MARTIN,
Acting Commissioner of
Internal Revenue.

Approved: October 21, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9486; Filed, Oct. 27, 1948;
8:50 a. m.]

[T. D. 5634]

PART 184—PRODUCTION OF BRANDY

ESTABLISHMENT AND OPERATION OF FRUIT DISTILLERIES

1. On August 12, 1948, notice of proposed rule-making, regarding the production of brandy, was published in the FEDERAL REGISTER (13 F. R. 4672).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 184.7, 184.8, 184.11, 184.15, 184.16, 184.17, 184.35, 184.40, 184.41, 184.42, 184.49, 184.54, 184.60, 184.64, 184.65, 184.66, 184.67c, 184.67d, 184.67e, 184.79, 184.106, 184.107, 184.110, 184.112, 184.113, 184.117, 184.118, 184.119, 184.123 (a) (2), 184.128, 184.129, 184.130, 184.131, 184.133, 184.134, 184.135 (a) (3), 184.139 (a) (b), 184.140 (b), 184.141, 184.141a, 184.148, 184.150, 184.153, 184.156, 184.246 and 184.391 of Regulations 5 (26 CFR, Part 184), approved February 28, 1940, are hereby adopted, and §§ 184.9, 184.10, 184.111, 184.138 (a) (2), 184.138 (b) (3), 184.155, 184.155a and

184.392 of such regulations are hereby revoked.

3. These amendments are designed to simplify certain requirements relating to construction, and the preparation, filing, and approval of documents in connection with the establishment and operation of fruit distilleries. It is not intended by these amendments to require distillers to file additional plats and plans, or to repaint pipe lines, or to change equipment immediately, in cases where the existing documents, pipe lines and equipment conform essentially to the regulations prior to these amendments. Upon filing new plats and plans, repainting pipe lines and installing equipment, these new requirements must be observed.

§ 184.7 *Within 600 feet of rectifying plant.* No fruit distiller shall carry on the business of distilling brandy at a distance of less than 600 feet in a direct line from a rectifying plant, except when he has been so authorized by the district supervisor. The district supervisor may grant such authority when he is of the opinion that the revenue will not be endangered thereby. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.8 *Special application.* A person desiring to operate a fruit distillery within 600 feet of a rectifying plant shall file a special application, in triplicate, for such privilege with the district supervisor. The application shall state the location of the fruit distillery and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipe lines, the reason for locating the distillery within 600 feet of the rectifying plant and any additional information which the district supervisor may require. The district supervisor will take action on such application in accordance with the procedure prescribed in § 184.141. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.11 *Changes requiring approval.* Where there is to be a change in the distance between a fruit distillery and a rectifying plant located within 600 feet of each other, as a result of the extension or curtailment or other change of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which is to be extended or curtailed. Where a change occurs in the proprietorship of a fruit distillery or rectifying plant located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the fruit distillery premises are extended or curtailed as the result of such change, the change may be reflected in the next amended or annual notice, Form 27½, and plat, filed by the distiller. Such new special application shall be considered and disposed of in accordance with the procedure prescribed in § 184.141. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.15 *Walls.* The outside walls of distillery buildings must be securely and substantially constructed. If wood, corrugated iron, or tin is used, the same must be applied over solid sheathing for

the first 12 feet of height and over solid sheathing or sheathing spaced not greater than 12 inches from board to board for the remaining height. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid wall, sheathing may be applied in any manner desired. The ceiling and walls inside of the receiving room and brandy deposit room must be cased with matched tongue and groove boards, unless the use of other material affording equal protection from access without detection is approved by the Commissioner. (Sec. 3176, I. R. C.)

§ 184.16 *Roofs.* The roofs of distillery buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid roof, sheathing may be applied in any manner desired. (Sec. 3176, I. R. C.)

§ 184.17 *Doors.* The outside doors of the distillery buildings must be securely and substantially constructed and equipped so that they may be securely locked. In addition, the doors of receiving rooms, brandy deposit rooms and other rooms required to be locked by § 184.435 must comply with the following requirements: The outside doors, and those on which Government locks are required, as hereinafter provided, must be securely constructed of heavy timber or iron, or other equally substantial material. The hinges must be secured by roundheaded or carriage bolts, nutted and riveted or battered on the inside. Hinges that cannot be thus secured must be inaccessible from the outside and so attached that they cannot be removed when the doors are closed. The outside doors, and those on which Government locks are required, must be equipped with hasp and staple securely fastened on the inside so that they may be securely locked. The doors secured from the inside must be provided with a cross bar in the middle of the door and, in addition thereto, with strong and suitable attachments for the reception of locks. Where there are double doors, one of them at least must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial cross bars or bolts that plunge into the upper and lower ends or the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure. (Sec. 3176, I. R. C.)

§ 184.35 *Construction of weighing tanks.* Weighing tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be

equipped with a suitable measuring device whereby the contents will be correctly indicated. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number and the capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20 pound graduations for scales having a capacity of more than 60 tons. The weighing tank may be located in the receiving room or brandy deposit room, or in some convenient location in the distillery building. Subject to the provisions of § 184.49, the weighing tank may also be used as a receiving tank. (Secs. 2808, 2823, 3176, I. R. C.)

§ 184.40 *Washwater receiving tanks.* If carbon dioxide gas is recovered, and the washwater is to be utilized in the manufacture of brandy, there must be provided a sufficient number of washwater receiving tanks, which shall be constructed of metal and be of uniform dimensions from top to bottom. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There must be painted on each tank the words, "Washwater Receiving Tank," followed by its serial number and the capacity in wine gallons. The outlet valve must be equipped for locking with a Government lock. If the washwater is not used in the manufacture of brandy, as provided by § 184.240, washwater receiving tanks need not be installed. (Secs. 2829, 3176, I. R. C.)

§ 184.41 *Stills.* The stills must be of substantial construction and must have a clear space of not less than 1 foot around them. The steam or fuel line to each still shall be equipped with a valve so constructed that it may be locked with a Government lock when the distillery is suspended, as required by § 184.384. The drain and washout pipes of stills must also, whenever practicable, be equipped with valves so constructed that they may be locked with Government locks. If there is a furnace under the stills or doublers, the door thereto must, as provided in such section, be so constructed that it may be secured with a Government lock. There must be a clear space of not less than 2 feet around every doubler and condenser or worm tank. The doubler and worm tank must be elevated not less than 1 foot from the floor. Every still must be numbered, commencing with number 1, and have painted thereon its designated use, such as "Beer still," "Doubler," etc., and its number and spirit producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in the Appendix to the regulations in this part.

Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. (Secs. 2822, 3176, I. R. C.)

§ 184.42 *General requirements for tanks.* All tanks used as receptacles for spirits between the outlet of the first condenser or worm and the receiving tanks shall be constructed of metal, unless enclosed within a securely constructed room equipped for locking with a Government lock, in which case the tanks may be constructed of wood or concrete. Metal tanks shall be of uniform dimensions from top to bottom. All tanks shall be equipped with a suitable measuring device, conforming to the requirements of § 184.43, whereby the actual contents will be correctly indicated. All tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. All tanks, such as low-wine tanks, singlings tanks, other unfinished-spirits tanks, heads and tails tanks, fusel oil tanks, distilled water tanks, and similar equipment shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in wine gallons. Manheads, inlets, and outlets of the tanks and all necessary openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the spirits, must be provided with facilities for locking with Government locks: *Provided*, That distilled water storage tanks need not be so equipped unless a pipe line is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 184.45. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with plant operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Tanks used as receptacles for spirits may be permanently connected with pipe lines, for the conveyance thereto of air, and also distilled water, but the distilled water pipe line must be affixed to the top of the tank, and may not extend into the tank. Such pipe lines must be equipped with a control valve which may be locked with a Government lock. Pipe lines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks. (Secs. 2823, 2829, 3041, 3176, I. R. C.)

§ 184.49 *Receiving tanks.* The distiller shall provide a sufficient number of receiving tanks of adequate capacity, into which shall be conveyed all the brandy produced in the distillery. Such tanks will be located in the receiving room, where such a room is provided. If no receiving room is provided, the distiller may, if he so desires, place receiving tanks in the brandy deposit room, or, if the tanks are constructed of metal, they may be located at some place

in the distillery convenient for drawing off spirits. If the tanks are not constructed of metal they must be placed in the brandy deposit room, unless a receiving room is provided. At distilleries where operations are not such as to require the daily attendance of a storekeeper-gauger, the receiving and singlings tanks shall be of such capacity as will necessitate the visit by a Government officer not more than twice a month to gauge the spirits: *Provided*, That the district supervisor may approve tanks of less capacity where by reason of the location of the distillery, he can assign a storekeeper-gauger to visit the distillery more often than twice a month to gauge the brandy, or where the quantity of brandy produced is such as to make the retention of 15 days' production in the receiving tanks inadvisable. Receiving tanks must be constructed and arranged in conformity with the requirements of § 184.42, and, in addition thereto, such tanks must be elevated not less than 18 inches from the floor and so separated that the Government officer may pass completely around each. Each receiving tank shall be equipped with a suitable measuring device conforming to the requirements of § 184.43. Each such tank shall have plainly and legibly painted thereon the words "Receiving Tank," followed by its serial number and the capacity in wine gallons. Pipe lines connected with receiving tanks must be brazed, welded, or otherwise secured and sealed to the tanks in such a manner that they cannot be detached or altered without showing evidence of tampering. Pipe lines for the conveyance of distilled water, air, or other substances than spirits may not be permanently connected with receiving tanks, except as provided by § 184.42. (Secs. 2823, 2829, 3041, 3170, 3176, I. R. C.)

§ 184.54 *Colors for pipe lines.* The pipe lines in the fruit distillery used for conveying the following substances shall be kept painted in the colors indicated:

Black-----	Brandy or other finished spirits.
Blue-----	Vapor, singlings, high-wines and low-wines, or other unfinished spirits.
Red-----	Fermented mash, wine, or other distilling material.
Gray-----	Must or other unfermented material.
Brown-----	Slip.
Yellow-----	Fusel oil.
White-----	Water.
Aluminum---	Steam.
Orange-----	Air.
Olive green---	Carbon dioxide gas.

These colors are intended for such pipe lines only and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2822, 3176, I. R. C.)

§ 184.60 *Description of premises.* The lot or tract of land on which the distillery is situated must be described on Form

27½ by courses and distances, in feet and inches, with the particularity required in conveyances of real estate. If the distillery premises consists of two or more lots or parcels, the condition of the title to which is not the same, the entire distillery premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the distillery premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway, opposite each other. The premises may be similarly divided by a railroad right of way, if the railroad is a common carrier. In such cases, each tract of land constituting the distillery premises shall be described separately on the form. (Secs. 2812, 3176, I. R. C.)

§ 184.64 *Condition of title to premises.* The condition of title to the premises shall be shown on Form 27½. If the distiller is the owner of the premises in fee, unencumbered, it shall be so stated. If the distiller is not the owner in fee, unencumbered by any mortgage, judgment, lien, or other encumbrance of the lot or tract of land on which the distillery is situated, the name and address of the owner of the fee and of any mortgagee, judgment-creditor, and of any person having a lien or encumbrance, and of all prior lessees thereon, shall be stated. Where the written consent of the owner of the fee and of any mortgagees, judgment-creditors, lienors, encumbrancers, or lessees, is filed, as provided in § 184.67a, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.67d and 184.67e, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, shall be shown on the Form 27½ in connection with the statement of the present condition of the title. If the premises are occupied under a lease, the name of the owner, the name of the lessor, the length of the term, and the date of its expiration, shall be stated. (Secs. 2800 (e) (1), 2812, 2815 (b), 3176, I. R. C.)

§ 184.65 *Condition of title to apparatus and equipment.* The distiller's title to, or interest in, the distilling apparatus and equipment shall be shown on Form 27½. If the distiller is not the owner of such apparatus and equipment, unencumbered by any mortgage, judgment, lien, or other encumbrance, the name and address of the owner thereof and of any mortgagee, judgment-creditor, lienor or encumbrancer, or conditional sales vendor, shall be stated. Where the written consent of the owner and of the mortgagees, judgment-creditors, lienors, or other encumbrancers, or conditional sales vendors, is filed, as provided in § 184.67a, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.67d and 184.67e, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, or, if the apparatus was purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due shall be shown

in connection with the statement of the distiller's title to, or interest in, the property. (Secs. 2800 (e) (1) 2812, 2815 (b), 3176, I. R. C.)

§ 184.66 *Distance from rectifying plant or vinegar factory.* If the distillery premises are situated more than 600 feet in a direct line from any premises authorized to be used for rectifying spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27½. If the distance between the distillery premises and the premises of a rectifying plant is less than 600 feet in a direct line, there must be stated in the notice, Form 27½, the name of the proprietor of the rectifying plant, the exact distance in feet and inches between the distillery and the rectifying plant, and whether the location of the distillery within such distance of the rectifying plant has been approved by the district supervisor. If such location of the distillery has been approved by the district supervisor, the date of such approval shall be given. If the distance between the distillery premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact and the date of the establishment of the vinegar factory shall be stated on the form. (Secs. 2812, 2819, 2834, 2835, 3170, 3176, I. R. C.)

§ 184.67c *Application.* The application shall contain (a) an accurate description of the lot or tract of land on which the distillery is situated, and of the distillery, the buildings, and the distilling apparatus and equipment thereon; (b) a full and clear statement of the condition of the title to the premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, prior lessees, and other persons having liens or encumbrances thereon, the kind, date, and amount of each encumbrance and the balance due thereon, and, in the case of apparatus and equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (c) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor will take action on such application in accordance with the procedure prescribed in § 184.141a. (Secs. 2815 (b) 3170, 3176, I. R. C.)

§ 184.67d *Bond, Form 3-A.* If the application is approved, the distiller shall execute bond on Form 3-A, "Bond of Indemnity in Favor of the United States," in triplicate, in conformity with the applicable provisions of §§ 184.83 to 184.103, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings or distilling apparatus is increased by additional land, buildings or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than \$1,000 no

additional bond will be required. In the event of a failure of bond on Form 3-A the distiller will be no longer qualified. The appraisal shall be made in accordance with the provisions of § 184.67f. (Secs. 2815 (b), 3176, I. R. C.)

§ 184.67e *Bond in lieu of consent where distillery is sold for United States.* Where a distillery is sold at a judicial or other sale in favor of the United States, the distiller may give bond on Form 3-A in lieu of the consent of the person possessing the right of redemption and of any mortgagee, judgment-creditor, lienor, prior lessee, or other encumbrancer, and be allowed, upon complying with all other provisions of law and the regulations, in this part to operate the distillery during the existence of the right of redemption from such sale. A distiller desiring to give bond in such case shall file application, in triplicate, with the district supervisor for permission so to do. The application shall contain a full and clear statement of the condition of the title, including the name and address of the person having the right of redemption and of all encumbrancers, the kind, date, and amount of each encumbrance, the date of the sale and the date of expiration of the right of redemption. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distillery apparatus. If, after such bond is filed, the value of the distillery premises, buildings or distilling apparatus is increased by additional land, buildings or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That, if such increase in value is less than \$1,000, no additional bond will be required. The appraisal shall be made in accordance with the provisions of § 184.67f. (Secs. 2815 (b), 3176, I. R. C.)

§ 184.79 *Statement of process.* There must be submitted to the district supervisor with the fruit distiller's original notice, Form 27½, a statement of process, in triplicate. Upon any change in the process, a new statement, in triplicate, must be filed with the district supervisor who will forward all copies to the Commissioner in accordance with § 184.148. Reference by date to the current statement of process must be incorporated in each annual notice, Form 27½. The statement of process should present a step by step description of the mashing, fermenting, distilling, purifying and refining processes used in the production of each type of brandy. It must show specifically the kind and approximate quantity or proportion of all nonalcohol producing materials or substances added to the distilling material for the purpose of providing yeast food or for inhibiting the action of wild yeast, or for any other purpose, and all materials used for purifying, refining or otherwise treating the spirits. Samples of any such material or substance will be prepared and furnished to the district supervisor, upon request, for analysis by Government chemists. Materials or chemicals which are volatile and would remain incorporated with the finished brandy after final

distillation may not be used. (Secs. 3176, 3254 (g), I. R. C.)

§ 184.106 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering or writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 184.107 *Depiction of distillery premises.* Plats must show the outer boundaries of the distillery premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark, and must contain an accurate depiction of the building or buildings comprising the premises and any drive way, public highway or railroad right of way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27½. If the distillery premises consists of two or more lots or parcels of land the condition of the title to which is not the same, each such lot or tract shall be separately described by courses and distances, in feet and inches, and such lots or parcels shall be delineated or cross-hatched in contrasting colors. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. Except as provided in § 184.116, all pipe lines leading to or from the premises, the purpose for which used and the points of origin and termination will be indicated on the plat. (Secs. 2816, 3176, I. R. C.)

§ 184.110 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows and other openings and how such openings are protected. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of stills, tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2816, 3176, I. R. C.)

§ 184.112 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the distiller may submit a photograph of each exposure of each building in a size not smaller than 7 x 9 inches. The photographs must be in sufficient detail to clearly depict the buildings from the ground to the roof and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded the openings in all rooms required to be locked, such as receiving rooms, brandy deposit rooms, etc: *Provided*, That in lieu of such drawings, the photographs may be noted to show the type of security afforded the openings in such rooms by reference to the appropriate sheet of plans on file, whereon such information is shown. (Secs. 2816, 3176, I. R. C.)

§ 184.113 *Colors for pipe lines.* The pipe lines must be shown on the plans in the colors in which they are required to be painted, as follows:

Black-----	Brandy or other finished spirits.
Blue-----	Vapor, singlings, high-wines and low-wines, or other unfinished spirits.
Red-----	Fermented mash, wine, or other distilling material.
Gray-----	Must or other unfermented material.
Brown-----	Slop.
Yellow-----	Fusel oil.
White-----	Water.
Aluminum---	Steam.
Orange-----	Air.
Olive green--	Carbon dioxide gas.

(Secs. 2816, 3176, I. R. C.)

§ 184.117 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering (a) distilling material system, (b) mashing and fermenting systems, (c) distilling system, and (d) the receiving tank system. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges (except as provided in § 184.114), Government locks, measuring devices, etc. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All the flow diagrams as a unit must show the flow of the distilling material and the resulting products, through the distilling material tanks, fermenters, sumps, stills, doublers, try boxes and other equipment and the deposit and removal of the finished spirits from the receiving tanks and the brandy deposit room, if any. All major equipment, fermenters, stills, etc., must be identified on these plans as to number and use. The elevational flow diagrams must be so drawn that all fixed pipe lines, except those indicated by § 184.116 may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2816, 3176, I. R. C.)

§ 184.118 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the distiller, the draftsman and the district supervisor substantially in the following form:

 (Name of distiller)

 (Address)

 Approved -----
 (Date)

 (District Supervisor)
 Accuracy certified by -----
 (Name and capacity—
 for the distiller)

 (Draftsman)

 Fruit Distillery No. -----
 19----- Sheet No. -----

(Secs. 2816, 3170, 3176, I. R. C.)

§ 184.119 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2816, 3176, I. R. C.)

§ 184.123 *Change in proprietorship—*
 (a) *Suspension.* * * *

(2) *Registry of stills.* If the business is to be permanently discontinued, file, Form 26, Registry of Stills, in triplicate, in accordance with § 184.391.

* * *
 § 184.128 *Changes in premises—*(a) *Procedure.* Where the premises of a fruit distiller are to be extended or curtailed, the distiller must file with the district supervisor an amended notice, Form 27½, and an amended plat of the premises as extended or curtailed, except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. If the distillery is within 600 feet of a rectifying plant the distiller must also file a special application in accordance with §§ 184.8 and 184.11. The additional premises covered by an extension may not be used for distillery purposes, and the portion of the distillery premises to be excluded by a curtailment may not be used for other than distillery purposes, prior to approval of the notice, Form 27½. Where an internal revenue bonded warehouse containing a bottling-in-bond department is located on the distillery premises, and the documents required by Part 188 (Regulations 6) governing the alternate operation of the bottling house as a bottling-in-bond department and a tax-paid bottling house are filed, and no change in proprietorship is involved, the filing of additional notices, Form 27½, covering changes in the temporary status thereof from time to time will not be required.

(b) *Bond, Form 3-A.* In the case of an extension of the distillery premises, if the value of such premises is increased by the addition of land, buildings, equipment, etc., where an indemnity bond has

been filed in lieu of consent of the owner or of any encumbrancer, a new or additional indemnity bond on Form 3-A must be filed in accordance with § 184.67d.

(c) *Consent, Form 1602.* Where the distiller is the owner in fee unencumbered, or has procured the consent of the owner or any encumbrancer, of the premises, and such premises are extended to include additional land, buildings, etc., the distiller, if he is not the owner in fee unencumbered of the extended premises (including buildings, etc.), must procure the consent of the owner or of any encumbrancer of such extended premises, and the buildings, apparatus and equipment thereon, in accordance with § 184.67a, or in lieu thereof, file an indemnity bond on Form 3-A, in accordance with § 184.67d. (Secs. 2812, 2815 (b) 2816, 2819, 2873, 2904, 3170, 3176, 4041, I. R. C.)

§ 184.129 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the distillery premises, or where a change is to be made in the use of any portion of such premises, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless they are of such a nature as, in the opinion of the district supervisor, do not require such supervision. The completed changes will be reflected in the next amended or annual notice, Form 27½, and amended plans filed by the distiller, unless the district supervisor requires the immediate filing of an amended notice and amended plans. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 184.130 *Indemnity bond covering changes in buildings.* If buildings on the distillery premises, or on premises which have been eliminated from the distillery premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes exists on such property under section 2800 (e), I. R. C., the distiller, if (a) the owner of the fee unencumbered, or (b) consents in accordance with § 184.67a are necessary and have been obtained, must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property. *Provided*, That, if such decrease in value is less than \$1,000, no indemnity bond will be required. (Secs. 2800 (e), 3176, I. R. C.)

§ 184.131 *Appraisal.* The amount of the decrease in the value of the property subject to the Government's lien which will be caused by the demolition or alteration of buildings shall be determined by appraisal by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, of their appraisal, which shall include information as to the methods employed by them in determining their valuations. The appraisal shall be at the expense of

the distiller, unless made by Government officers. The district supervisor may dispense with the formal appraisal when he has reason to believe that the value of the property concerned is less than \$1,000. (Secs. 2800 (e), 3176, I. R. C.)

§ 184.133 *Indemnity bond covering removal of equipment.* If distilling apparatus or equipment on which a lien has attached under section 2800 (e), I. R. C., for taxes on spirits produced which have not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the distillery premises without adding property that will become a fixture in law of an equal or greater value than the apparatus or equipment to be removed, (a) where the distiller is the owner of the premises in fee unencumbered, whether the property is realty or personalty, or (b) where consents in accordance with § 184.67a are necessary and have been obtained, whether the property is realty or personalty, the distiller must file with the district supervisor an indemnity bond on Form 1617, in triplicate. Such bond must be in a penal sum equal to the value of the apparatus or equipment to be removed or equal to the excess in value of the apparatus or equipment to be removed over the value of the property to be substituted therefor: *Provided*, That if such value or difference in value, as the case may be, is less than \$1,000, no indemnity bond will be required. The value of the distilling apparatus or equipment to be removed, or the difference between the value of such old apparatus or equipment and the value of the new property to be added will be determined in the manner prescribed in § 184.131. (Secs. 2800 (e), 3176, I. R. C.)

§ 184.134 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27½ or plans, the distiller must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipe lines, or the addition or removal of a tank, the distiller must include such changes in the next amended or annual notice and amended plans to be filed by him: *Provided*, That, the Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended notice and plans covering any change in equipment. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 184.135 *Qualification—*(a) *Where no bonded warehouse on premises.* * * *

(3) *Registry of stills.* Register the stills on Form 26, in triplicate, in accordance with § 184.391, if not previously registered.

* * *
 § 184.139 *Where operation of warehouse on premises is continued—*(a) *Suspension.* Where an internal revenue bonded warehouse is located on the fruit distillery premises and the fruit distiller desires to continue to operate the warehouse on such premises while the distillery is operated alternately as a fruit distillery and as a registered distillery or

industrial alcohol plant, he must, upon suspension of the fruit distillery, comply with the provisions of § 184.138 (a) (3) and (4) and, in addition thereto, the following requirements:

(b) *Resumption.* Where operation of the plant as a registered distillery or industrial alcohol plant has been suspended and operation thereof as a fruit distillery is to be resumed, the fruit distiller must comply with the provisions of § 184.138 (b) (4a) (5) and (6) and, in addition thereto, the following requirements:

§ 184.140 *Where bonded warehouse is discontinued or eliminated from fruit distillery premises—* (a) *Suspension.*

(b) *Resumption.* Where operation of the plant as a registered distillery or industrial alcohol plant has been suspended, and operation thereof is to be resumed as a fruit distillery, the fruit distiller must comply with the provisions of § 184.138 (b) (4a), (5) and (6) and, in addition thereto, the following requirements:

§ 184.141 *Special application.* Where a special application for permission to operate a fruit distillery within 600 feet of a rectifying plant is submitted by the distiller, and such special application conforms to the requirements of these regulations, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the distillery within 600 feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the distillery may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the distillery only, and does not authorize the operation thereof. The distillery may not be operated until the distiller's bond and other qualifying documents required by law and these regulations have been filed and approved by the Commissioner. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reason for disapproval. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.141a *Indemnity bond application.* When an application for permis-

sion to file an indemnity bond, Form 3-A, in lieu of the written consent of the owner of the distillery premises or apparatus or equipment, or of any mortgagee, judgment-creditor, lienor, or other person having an encumbrance thereon, or conditional sales vendor, is submitted by the applicant and such application conforms to the requirements of these regulations, the district supervisor will cause an investigation to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. The appraisal shall be made as provided in § 184.67f. If the district supervisor finds upon consideration of the appraisal and reports of investigation that under the law and regulations an indemnity bond may properly be accepted in lieu of the consent of the owner or lienor and if he is satisfied that the valuation placed upon the distillery property by the appraisers is fair, he will note his approval on all copies of the application. He will then return one copy of the approved application to the applicant and retain the original for his files. He will forward the remaining copy of the application and copies of the reports of investigation and appraisal to the Commissioner at the time of forwarding the indemnity bond. If the application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant with a statement of the reasons for disapproval. (Secs. 2815 (b) 3170, 3176, I. R. C.)

§ 184.148 *Approval of qualifying documents.* If the district supervisor finds, upon completion of his investigation and examination of the inspection report, that the person seeking to qualify as a fruit distiller is qualified to hold a permit and has complied in all respects with the requirements of law and these regulations, and if the notice, Form 27½, bond, Form 30½, and consent, Form 1602, or indemnity bond, Form 3-A, if any, filed in lieu thereof, may properly be approved, he will note his recommendation for approval on all copies of the notice, distiller's bond and consent or indemnity bond (if any) and his approval on all copies of the plat, plans and other qualifying documents, and will forward all copies of the notice, bond, consent or indemnity bond (if any) and the original copy of the plat, plans and other qualifying documents, together with a copy of all inspection reports, to the Commissioner for final action. The original copy of the application for permit will be forwarded to the Commissioner with such qualifying documents. The issuance of a permit should be withheld pending approval by the Commissioner of the notice, bond and other qualifying documents required under the internal revenue laws. (Sec. 3176, I. R. C.)

§ 184.150 *Disposition of qualifying documents.* Where notice, Form 27½, bond, Form 30½, and consent, Form 1602 (if any) or indemnity bond, Form 3-A, filed in lieu thereof, are approved by the Commissioner, the district supervisor

will, upon receipt of approved copies of such documents from the Commissioner, as provided in § 184.156, forward one copy of the notice, bond, consent or indemnity bond, plat, plans and other qualifying documents and the original copy of the Federal Alcohol Administration Act permit to the distiller and will retain one copy of such qualifying documents for the file of the applicant in his office. If the distiller's bond, consent or indemnity bond is disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such documents and other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reason for disapproval. (Sec. 3176, I. R. C.)

§ 184.153 *Applications and reports covering changes.* Where an application covering changes in the distillery apparatus or equipment, or in the construction or use of a room or building, is approved by the district supervisor, he will retain one copy of the application and forward one copy to the distiller and one copy to the Commissioner, and, when reports covering changes in apparatus and equipment are received from Government officers in accordance with § 184.132, he will retain one copy and promptly forward one copy to the Commissioner. Similar disposition will be made of reports received from the distiller covering emergency repairs of distilling apparatus and equipment. Where changes in buildings, apparatus, or equipment are such as to require the filing of an indemnity bond, the district supervisor may approve the application, if he has recommended approval of the bond, and permit the changes in buildings, apparatus or equipment to proceed pending approval of the bond by the Commissioner. (Sec. 3176, I. R. C.)

§ 184.156 *Qualifying documents.* The Commissioner will review the notice, Form 27½, plat, plans, bond, Form 30½, consent, Form 1602, if any, or indemnity bond, Form 3-A, filed in lieu thereof, and other qualifying documents, including application for Federal Alcohol Administration Act permit, upon their receipt from the district supervisor. If the Commissioner approves the construction and equipment of the distillery and the notice, plat, plans, distiller's bond, consent or indemnity bond, if any, and other qualifying documents, he will assign a registry number to the fruit distillery in accordance with the provisions of § 184.157, note his approval on all copies of the distiller's bond, consent or indemnity bond, and notice, retain one copy of the distiller's bond, consent or indemnity bond, and notice and all copies of the other qualifying documents, and will return two copies of the approved distiller's bond, consent or indemnity bond, and notice, to the district supervisor with advice as to his action on the qualifying documents. If the Commissioner disapproves the distiller's bond, he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the rea-

sons for disapproval of the bond. (Secs. 2814, 2815 (b) 3170, 3176, I. R. C.)

§ 184.246 *Rate of tax.* The law imposes a tax on distilled spirits produced in or imported into the United States at the rate prescribed therein on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a) 3176, I. R. C.)

§ 184.391 *Registry on Form 26.* Every person having in his possession or custody or under his control any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is located. Stills to be used for the production of various types of distilled spirits may be registered for "distilled spirits" and the specific type need not be shown. Thereafter, when the plant is changed from the production of one type of spirits to another, reregistration by the same distiller will not be required. The temporary suspension of a distillery does not necessitate reregistration of the stills. The operation of a distillery by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use or a bona fide change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner and return the remaining copy to the distiller. The distiller will retain his copy at the distillery available for inspection by Government officers. (Secs. 2810, 3170, 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER. (53 Stat. 298, as amended, 307, 308, as amended, 309-312, 314-316, 318-320, 332, 343, 373, as amended, 375, 391, 495; 26 U. S. C. 2800, 2808, 2810, 2812, 2814, 2815 (b), 2816, 2819, 2822, 2823, 2834, 2835, 2873, 2904, 3170, 3176, 3254 (g) 4041)

[SEAL] FRED S. MARTIN,
*Acting Commissioner of
Internal Revenue.*

Approved: October 21, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9487; Filed, Oct. 27, 1948;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—National Security Resources Board

PART 700—ORGANIZATION

PART 701—DELEGATIONS OF AUTHORITY

DISCONTINUANCE OF CODIFICATION

* NOTE: The codification of Chapter VII—National Security Resources Board, comprising Parts 700 and 701, has been discontinued. Future amendments will be published in the Notices section of the FEDERAL REGISTER.

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 9, Amdt. 1]

PART 705—ADMINISTRATION

PRESERVATION OF RECORDS WITH RESPECT TO PRICE CONTROL OF SUGAR

Pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, General Order 9, issued by the Acting Secretary of Agriculture on July 30, 1947 (12 F. R. 5279) is hereby amended to read as follows:

§ 705.109 *Preservation of records with respect to price control of sugar.* (a) Subject to the provisions of subsection (b) hereof, all persons shall preserve for examination by the Department of Agriculture, until October 31, 1950, all records, documents, reports, books, accounts, invoices, sales lists, sales slips, orders, vouchers, contracts, receipts, bills of lading, correspondence, memoranda, and other papers, and drafts and copies thereof, which were required to be made or kept on March 31, 1947, with respect to price control of sugar by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, the Sugar Control Extension Act of 1947, or by any regulation, order or other document issued thereunder by the Price Administrator, Office of Price Administration, the Temporary Controls Administrator, Office of Temporary Controls, or by the Secretary of Agriculture.

(b) The requirements of this general order shall apply only to those persons falling within the following categories:

(1) All persons who are parties to pending civil or criminal litigation under the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, the Sugar Control Extension Act of 1947, or any regulation, order, or other document issued thereunder by the Price Administrator, Office of Price Administration, the Temporary Controls Administrator, Office of Temporary Controls, or the Secretary of Agriculture.

(2) All persons who have received any subsidy payment, premium payment, or other payment from any agency or instrumentality of the United States pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, the Sugar Control Extension Act of 1947, or any regulation, order, or other document issued thereunder, or who have a pending claim or intend to file a claim for any such payment from any agency or instrumentality of the United States pursuant to such laws or regulations.

(3) All persons who have engaged in the sale of sugar or service in connection therewith to the United States or any agency or instrumentality thereof, under a price adjustment provision pursuant to the Emergency Price Control Act of 1942, as amended.

(c) *Definitions.* When used in this section, the term:

(1) "Person" shall have the same meaning as in the Emergency Price Control Act of 1942, as amended.

(2) "Sugar" shall have the same meaning as in the Sugar Control Extension Act of 1947. (Pub. Law 30, 80th Cong.)

This order shall become effective 12:01 a. m. e. s. t., November 1, 1948.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary.

[F. R. Doc. 48-9477; Filed, Oct. 27, 1948;
8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Gen. Order 24, Rev., Supp. 4, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART D—REGULATIONS FOR RECEIPT OF DONATIONS FOR CHAPEL AND LIBRARY AT UNITED STATES MERCHANT MARINE ACADEMY, KINGS POINT, NEW YORK

GENERAL PROVISIONS

Sec.

310.100 Basis and purposes.

310.101 Designation and authority.

CONTRIBUTIONS

310.102 Receipt for contributions.

310.103 Accountability.

AUTHORITY: §§ 310.100 to 310.103 issued under sec. 3, Pub. Law 485, 80th Cong.; 62 Stat. 172.

GENERAL PROVISIONS

§ 310.100 *Basis and purpose.* By virtue of the authority contained in the act approved April 17, 1948 (Pub. Law 485, 80th Cong., 2d Sess.) and in accordance with General Accounting Office Accounts and Procedures Letter No. 12789, United States Maritime Commission No. 224, dated June 8, 1948, regulations are hereby prescribed to provide for the receipt of, and accounting for, private contributions to assist in construction of a chapel and a library at the United States Merchant Marine Academy, Kings Point, New York.

§ 310.101 *Designation and authority.* The Assistant Chief, Bureau of Maritime Services, is hereby designated to accept private contributions to assist in defraying the cost of construction of said chapel and library. All private contributions received shall be transmitted to the Bureau of Finance, United States Maritime Commission, for deposit.

CONTRIBUTIONS

§ 310.102 *Receipt for contributions.* The immediate receiving person shall give proper receipt for all contributions. Receipts shall be prepared in duplicate, one copy for the contributor and the other copy to accompany the contribution. Contributions may be made by check. In such cases the check shall be made payable to the Treasurer of the United States.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,
Department of the InteriorSubchapter C—National Wildlife Refuges;
Individual RegulationsPART 22—MOUNTAIN REGION NATIONAL
WILDLIFE REFUGESFORT PECK GAME RANGE, MONTANA, DEER
HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, the Bureau of Land Management, and the Montana Fish and Game Commission it has been determined that the population of deer on the Fort Peck Game Range is in excess of the available habitat for such animals and that, compatible with good wildlife management, the removal of the excess of the herd can best be accomplished by public hunting in accordance with the State laws.

A new section is added as follows:

§ 22.311 *Fort Peck Game Range, Montana; deer hunting.* Deer may be taken in accordance with the laws and regulations of the State of Montana on such lands of the United States within the Fort Peck Game Range as may be mutually determined after a joint annual examination of the Range by representatives of the Fish and Wildlife Service and of the Montana Fish and Game Commission, subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The part or parts of the Fort Peck Game Range that

are open to the hunting of deer each year shall be designated by suitable posting by the officer in charge of the Range.

(b) *Entry.* Entry on and use of the Range for any purpose are governed by the provisions of Parts 12 and 16 of this chapter, and strict compliance therewith is required.

(c) *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Range must have in his possession, and exhibit at the request of any authorized Federal or State officer, a valid State hunting license and a special permit issued by the State authorizing him to hunt on the area. Such State license and permit will serve as a Federal permit for entry on the Range for the purpose of hunting.

(d) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 7151, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR, 1939 Supp., Chapter IV Regs., Departments of Agriculture and the Interior, Feb. 13, 1937, 2 F. R. 590, 50 CFR 16)

Dated: October 22, 1948.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-9471; Filed, Oct. 27, 1948;
8:45 a. m.]

§ 310.103 *Accountability.* All contributions shall be forwarded to the Assistant Chief, Bureau of Maritime Services, United States Maritime Commission, Washington, D. C., for transmission to the Bureau of Finance, United States Maritime Commission for disposition in accordance with the following trust fund receipt and appropriation accounts prescribed by the Comptroller General of the United States under the provisions of section 20 of the Permanent Appropriation Repeal Act of June 26, 1934, 48 Stat. 1233, General Regulations No. 84-Revised, and in accordance with an arrangement with the Treasury Department, together with limitation accounts pursuant to General Regulations No. 83:

Receipt Accounts

8503 Donations for Chapel and Library,
United States Merchant Marine
Academy, Kings Point, New York.
8503.001 Chapel.
8503.002 Library.

Appropriation Accounts

69X8503 United States Merchant Marine
Academy, Kings Point, N. Y., Do-
nations for Chapel and Library.
United States Maritime Commis-
sion.

Limitations:

69X8503.001 Chapel.
69X8503.002 Library.

By order of the United States Maritime
Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

OCTOBER 19, 1948.

[F. R. Doc. 48-9480; Filed, Oct. 27, 1948;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 935]

HANDLING OF MILK IN OMAHA-COUNCIL
BLUFFS MARKETING AREANOTICE OF RECOMMENDED DECISION AND OP-
PORTUNITY TO FILE WRITTEN EXCEPTIONS
WITH RESPECT TO PROPOSED AMENDMENT
TO TENTATIVE MARKETING AGREEMENT AND
TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1844, South Building, United States De-

partment of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated was conducted at Omaha, Nebraska, on June 29, 1948, pursuant to notice thereof which was issued on June 22, 1948 (13 F. R. 3485)

The material issues on the record related to (1) increasing the Class I and Class II differentials, (2) basing the Class I and Class II prices on manufacturing values during the preceding month, (3) eliminating the condensery paying price as a basis for pricing Class I milk and Class II milk, (4) revising the list of condenseries whose prices are used in determining Class I and Class II prices, (5) separate pricing and pooling of milk according to grade, (6) special pricing for milk and cream sold outside the marketing area, and (7) changing the basis of pricing from 3.8 percent butterfat to 3.5 percent butterfat.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence intro-

duced at the hearing and the record pertaining thereto.

(1) The Class I differential for milk containing 3.8 percent butterfat should remain at 75 cents during the months of January, February, and March, but should be changed to 60 cents during April, May, and June, and to \$1.00 per hundredweight during the remaining months of each year. The price per hundredweight of butterfat in Class I should remain at \$15.00 over the value of butterfat in Class III during the months of January, February, and March, but should be changed to \$12.00 over the Class III butterfat value during April, May, and June, and to \$20.00 over the Class III butterfat value during the remaining months of each year.

The Class II differential for milk containing 3.8 percent butterfat should be increased from 40 cents to 75 cents during the months of January, February, and March, to 60 cents during April, May, and June, and to \$1.00 during the remaining months of each year. The price per hundredweight of butterfat in Class II should remain at \$15.00 over the value of the butterfat in Class III during the months of January, February, and March, but should be changed to \$12.00 over the Class III butterfat value in April,

May, and June, and to \$20.00 over the Class III butterfat value during the remaining months of each year.

It is necessary that action be taken to arrest the decline in the number of producers and to encourage greater production in the fall months. The proposed differentials will provide an average yearly increase in price sufficient to maintain the present producers on the market, while the seasonality provided will tend to shift production from spring to fall months.

A review of the market statistics shows that there has been a substantial decline in the number of producers on the market during the past year, the number dropping from a high of 2,764 in May 1947 to a low of 2,168 in April 1948. The number of producers in May 1948 shows some increase over April 1948. The differentials must be fixed at a level which will prevent any further decline in the number of producers.

The Omaha-Council Bluffs market lies in a diversified farm area and producers can shift readily from dairying to other farm enterprises as they become more profitable. In recent months the production of beef, hogs, and cash grains has been relatively more favorable than milk production. The price of cows for slaughter has been at an all time high. These factors, together with a tightening up of the local health regulations, have been responsible for the decline in producer numbers. The increase in differentials is necessary to bring the price of milk into a more favorable relationship with competing agricultural enterprises and to prevent any further loss in producers.

The market statistics also show a need for levelling out production. In 1947 producer receipts in May were 16,531,614 pounds, nearly twice as great as November receipts of only 8,616,737 pounds. May production was approximately 8,000,000 pounds of the market needs for Class I milk and Class II milk, November production failed by about 20,000 pounds of meeting the Class I and Class II requirements on a volume basis. While the record does not contain figures on receipts and disposition of butterfat, it is apparent from the figures on volume that the market was short of enough butterfat to meet its requirements during the months of October, November, and December, and had far more butterfat than was needed during the spring months of flush production.

Even with the decrease in producer numbers that has taken place within the past year, production in May 1948 was far in excess of the market's requirements, more than 35 percent of the receipts being utilized in Class III.

Market stability requires that part of the milk causing the burdensome spring surplus be shifted to the fall months when it is needed in the market. If producers are to be induced to take the measures necessary to increase fall production, such as fall freshening of cows, better fall pasture, better feeding, etc., the spread between spring and fall prices must be widened. To provide the necessary seasonality in prices, the Class I differential should be reduced to 60 cents

during April, May, and June, and increased to \$1.00 during the months of July through December. No change should be made in the differential for the months of January, February, and March.

In order to maintain the established ratio between the prices of skim milk and butterfat, the differential on butterfat in Class I should be decreased from \$15.00 to \$12.00 per hundredweight during April, May, and June, and increased to \$20.00 during the months of July through December. No change should be made for the months of January, February, and March.

The price of skim milk in Class II should be raised to the same level as that for skim milk in Class I by increasing the differential for Class II milk containing 3.8 percent butterfat from 40 cents to the levels proposed for Class I milk. Butterfat in Class II milk is priced the same as butterfat in Class I under the present order. The only product in Class II is cream. Under the local health ordinance milk for use in cream must be of the same quality and meet the same requirements as milk for consumption as whole milk. Therefore the skim milk as well as the butterfat in cream should be priced the same as skim milk and butterfat disposed of for consumption as whole milk.

The differentials for Class II milk containing 3.8 percent butterfat and for butterfat in Class II should follow exactly the same seasonal pattern as the Class I differentials and for the same reason.

The producers' association proposed that the Class I and Class II differentials be increased to \$1.00 during the months of March through August and to \$1.45 during all other months for all delivery periods prior to March 1, 1950, and that on that date they be reduced 25 cents. In support of its proposal, the witness for the proponent dwelt upon the fact that the market was short of milk and had lost a substantial number of producers during the year. While the decline in producers has been very substantial it appears that if the present number of producers is maintained, it is sufficient to supply the market with ample milk at all times if the production pattern can be altered seasonally. Increases in the amount requested by the association are not necessary to furnish the market a sufficient supply of milk.

That part of the association proposal providing for a decrease in the differentials on March 1, 1950, was intended to apply only in the event the requested differentials for the intervening delivery periods were granted. It would be difficult to produce evidence currently available which would justify a change in the differential at such a future date. The evidence fails to justify a change in differentials at any specific period in the future.

(2) The Class I and Class II prices should be based on manufacturing values during the preceding month.

Under the present order the Class I and Class II prices are based on the higher of either (1) the average paid by a specified group of condenseries during the preceding delivery period or (2) the Class III price (based on market values of butter and nonfat dry milk solids)

during the current delivery period. Condensery prices specified in the order are not available in time to permit pricing on the current delivery period. A system of alternative basic prices should be comparable in terms of the period of time covered.

(3) The condensery paying price should be retained as an alternative for pricing Class I and Class II milk.

The weight of the evidence does not justify eliminating the condensery paying price as an alternative to butter and nonfat dry milk solids as a basis for pricing Class I and Class II milk. It was contended by the proponents of the proposal to delete the condensery paying price that butter and nonfat dry milk solids were the principal outlets for surplus milk in the Omaha market, and that the condensery paying price was subject to wide fluctuations which would in turn result in wide variations in the Class I and Class II prices. A comparison of the butter nonfat dry milk solids price with the condensery price for milk of 3.8 percent butterfat for the period January 1947 to May 1948 reveals that during that period the average fluctuation in the butter nonfat dry milk solids price was greater than the average change in the condensery price. For the 17 month period the average monthly change in the butter nonfat dry milk solids price amounted to approximately 20 cents while the average monthly change in the condensery price was approximately 16 cents. The greatest change noted in the butter nonfat dry milk solids price was from October 1947 to November 1947 when the price changed from \$3.69 to \$4.27, a fluctuation of 53 cents. The widest variation in the condensery paying price occurred from November 1947 to December 1947, when the price increased from \$4.02 to \$4.43, a variation of 35 cents.

While it is true that butter and nonfat dry milk solids are the principal manufacturing outlets for surplus milk in the market, that fact alone does not constitute sufficient reason for making them the sole basis for pricing Class I and Class II milk in the market.

(4) The list of condenseries whose prices are used in determining Class I and Class II prices should not be revised.

It was proposed that the plants at Morrison, Illinois, and Shullsburg, Wisconsin, be stricken from the list and plants at Rochester, Minnesota, and Coffeyville, Kansas, be substituted for them. It was contended that the latter plants were more nearly competitive with the Omaha market, and that paying prices at these plants were closer to the prices paid in the vicinity of Omaha. The record does not indicate that the prices determined on the basis of the present list of plants did not reflect the value of milk used for manufacture.

(5) Separate pooling by grade should not be established.

It was proposed that standard milk and the milk of the highest quality defined in the ordinances of the local health authorities be priced and pooled separately. The testimony with respect to the grades of milk defined in the ordinances is confusing and provides no basis on which action might be taken.

(6) A special price should not be fixed for milk and cream sold outside the marketing area.

Proponents of this proposal requested that the price of milk and cream sold outside the marketing area be fixed at 25 cents over the Class III price (50 cents lower than the present Class I price). It was the contention of their witness that this price concession was necessary if they were to compete in these outside markets. Market figures show that this type of sale has continued to expand even though milk sold outside is priced the same as milk sold within the marketing area.

It would be economically unsound to fix a lower price on such sales. As pointed out above Omaha is a relatively short market except during the flush months. The testimony clearly shows that the proposal has not been advanced as a means of disposing of seasonal surplus, but that handlers hope to expand their sales permanently over a large area through a reduction in price. It does not appear that sufficient milk will be produced during the fall months to warrant an expansion of this type of business and if such sales are made producers should receive the marketing area price. To grant a price reduction on such sales would in effect result in the consumers in the marketing area subsidizing those consumers outside the area. Any sizable volume of such sales would reduce the uniform price substantially and producers would undoubtedly request a further increase in Class I and Class II prices to maintain adequate returns to producers. It is concluded that milk sold outside the marketing area must be priced the same as milk sold within the marketing area.

(7) Class prices should continue to be computed on the basis of milk containing 3.8 percent butterfat.

Apparently the sole purpose of the proposal to change the basic butterfat test from 3.8 percent to 3.5 percent was to reduce the price of Class I and Class II milk whenever the condensery paying price was used as the basic price for Class I and Class II milk. Converting the condensery paying price from 3.5 percent to 3.8 percent butterfat by the direct ratio method results in a slightly higher price than would result from adding the value of 3 points of butterfat at the butterfat differential to the value of milk of 3.5 percent butterfat. The direct ratio method is the method of conversion generally used by the plants on which the price is based. The fact that the change would result in a slight reduction in price during those delivery periods in which the condensery paying price was higher than the butter non fat dry milk solids formula does not constitute sufficient grounds for changing the basic test.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of

the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to, persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Roberts Dairy Company and the Nebraska-Iowa Non-Stock Cooperative Milk Association. The briefs contain statements of fact, conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the proposed findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete paragraph (a) of § 935.5 and substitute therefor the following:

(a) **Basic price to be used in computing Class I and Class II prices.** The basic price to be used in computing the minimum prices per hundredweight for Class I milk and Class II milk for each delivery period shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5, and multiplied by 3.8 and adjusted to the nearest cent:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Oregon, Ill.

Carnation Co., Waverly, Ia.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pocatonia, Ill.
Fort Dodge Creamery Co., Fort Dodge, Ia.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo, Ill.

(2) The price computed pursuant to paragraph (b) (3) of this section for the preceding delivery period for Class III milk containing 3.8 percent butterfat.

2. Delete paragraph (b) of § 935.5 and substitute therefor the following:

(b) **Class prices.** Each handler shall pay at the time and in the manner set forth in § 935.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) **Class I.** The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of January, February, and March; plus 60 cents during the months of April, May, and June; and plus \$1.00 during all other months of each year.

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (1) of this paragraph \$15.00 during January, February, and March; \$12.00 during April, May, and June; and \$20.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class I milk shall be computed by (a) multiplying by 0.038 the price computed pursuant to subdivision (1) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.8 percent butterfat, (c) dividing the result by 0.962, and (d) adjusting to the nearest cent.

(2) **Class II.** The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of January, February, and March; plus 60 cents during the months of April, May, and June; and plus \$1.00 during all other months of each year.

(i) The price per hundredweight of butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (1) of this paragraph \$15.00 during January, February, and March; \$12.00 during April, May, and June; and \$20.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class II milk shall be computed by (a) multiplying by 0.038 the price computed pursuant to subdivision (1) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.8 percent butterfat, (c) dividing the result by 0.962, and (d) adjusting to the nearest cent.

(3) **Class III.** The price per hundredweight of Class III milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subdivision (1) (c) of this subparagraph and adding there- to the amount computed pursuant to

subdivision (ii) (a) of this subparagraph.

(i) The price per hundredweight of butterfat in Class III milk shall be computed by (a) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (b) subtracting 5 cents, (c) adjusting to the nearest cent, and (d) multiplying the result by 100.

(ii) The price per hundredweight of skim milk in Class III milk shall be computed by (a) adding to 21 cents, 3 cents for each full one-half cent that the price of non fat dry milk solids for human consumption is above 7 cents per pound, (b) dividing the resulting sum by 0.962, and (c) adjusting to the nearest cent. The price per pound of non fat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such non fat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for non fat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for non fat dry milk solids for human consumption f. o. b. manufacturing plants as reported by the Department of Agriculture for the Chicago area shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

Filed at Washington, D. C., this 25th day of October 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator

[F. R. Doc. 48-9504; Filed, Oct. 27, 1948;
8:53 a. m.]

17 CFR, Part 9481

HANDLING OF MILK IN SIOUX CITY, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING-AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area. Interested parties may file written excep-

tions to this decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated was conducted at Sioux City, Iowa, on July 1, 1948, after the issuance of notice on June 23, 1948 (13 F. R. 3544).

The material issues on the record related to (1) increasing the Class I and Class II differentials, (2) revising the classes of utilization by including the skim milk and butterfat disposed of as skim milk, flavored milk, flavored milk drinks, and buttermilk in Class I milk and the skim milk and butterfat disposed of in aerated cream and eggnog in Class II milk, (3) using the manufacturing value of milk during the current delivery period as a basis for pricing Class I milk and Class II milk, (4) eliminating the condensery paying price as a basis for pricing Class I milk and Class II milk, (5) revising the list of condenseries whose paying prices are used as a basis for pricing Class I milk and Class II milk, and (6) separate classification and pricing for milk and cream sold outside the marketing area.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The Class I differential should remain at 80 cents during the months of April, May, June, and July and should be changed to \$1.00 per hundredweight during all other months of each year. The price per hundredweight for butterfat in Class I milk should remain at \$16.00 over the Class III butterfat value during the months of April, May, June, and July and should be changed to \$20.00 over the Class III value during all other months of each year.

The Class II differential should be changed from 50 cents to 80 cents during the months of April, May, June, and July and to \$1.00 per hundredweight during all other months of each year. The price per hundredweight for butterfat in Class II milk should remain at \$16.00 over the Class III butterfat value during the months of April, May, June, and July and should be changed to \$20.00 over the Class III value during all other months of each year.

The market statistics show that since June 1947 there has been a decrease each month from the corresponding month of the previous year in the number of producers. Since July 1947 there has been a decrease each month from the corresponding month of the previous year in the total amount of milk delivered by producers and with the exception of October and November 1947 and April 1948 in the average daily delivery per producer.

There is need for more even production of milk. June 1947 deliveries were 132,815 pounds above June 1946 deliveries

while November 1947 deliveries were 57,745 pounds below November 1946 deliveries. November 1946 deliveries were 63.72 percent of June 1946 deliveries while November 1947 deliveries were 59.47 percent of June 1947 deliveries. Producer receipts were insufficient to meet the Class I and Class II requirements of the market during the fall and winter months while more milk than was needed was delivered by producers during the flush months.

In order to induce producers to take the necessary steps to even out production, such as better fall pasture, more fall freshening of cows, better feeding in the fall and winter, the Class I and Class II differentials should be increased during the months of short production.

The Sioux City milk shed is in an area of diversified farming and farmers can and do shift readily from dairying to other types of farming when the returns appear to justify such shifting.

Recently the returns from grain farming and livestock production seem to have become more attractive to milk producers. The increase in the differentials will bring the returns from milk more into line with those of other farm enterprises and will prevent further decrease in the milk supply.

In order to maintain the established ratio between the prices of skim milk and butterfat, the differential on butterfat in Class I should be increased from \$16.00 to \$20.00 during the months of August to March, inclusive.

The price of skim milk in Class II should be raised to the same level as that for skim milk in Class I by increasing the differential for Class II milk containing 3.5 percent butterfat from 50 cents to the levels proposed for the differential for Class I milk.

The principal item in Class II is cream. Skim milk and butterfat used to produce cream must meet the same sanitary requirements of the health authorities as that used for consumption as whole milk. Butterfat in Class II milk is priced under the present order the same as that in Class I milk and skim milk in Class II milk; also should be priced the same as that in Class I milk.

The differentials for Class II milk containing 3.5 percent butterfat and for butterfat in Class II should follow the same seasonal pattern as the Class I differentials and for the same reason.

The proposal of the producers' association was to increase the Class I and Class II differentials to \$1.00 during the months of April to July, inclusive, and to \$1.40 per hundredweight during all other months of each year, except beginning on April 1 of each year following that in which the total milk delivered by producers during the delivery periods of September, October, and November exceeded 115 percent of the combined Class I and Class II utilization such differentials should be lowered to 80 cents and \$1.00 during the respective periods mentioned heretofore. The proposal included a proviso that the price of skim milk and of butterfat during any of the delivery periods of September, October, November, or December should not be lower than the respective price for the immediately preceding delivery period.

and during any of the delivery periods of March, April, May, or June should not be higher than the respective price for the immediately preceding delivery period.

Definite showing of the need for the amount of increase requested was not made. The differentials set forth herein should check the decrease in the amount of milk delivered by producers and should result in a levelling off of production. The evidence with respect to the percentage of producer milk in Class III before the differentials were to be changed was vague and there was no showing as to when such conditions might be expected to be met. It appears more appropriate to permit the differentials herein set forth to be subject to change when economic factors other than those mentioned by the proponents would seem to warrant it.

The purpose of the proviso as stated by the witness for the proponent was to provide the proper seasonal trend. Testimony on this proviso was meager. In view of the time lag resulting from the use of the preceding delivery period for computing the manufacturing value represented in Class I and Class II prices, it seems inadvisable to apply an additional stricture upon the influence of manufacturing values on such prices.

(2) Skim milk and butterfat disposed of for consumption in the form of skim milk, buttermilk, flavored milk, and flavored milk drinks should be classified in Class I and eggnog and aerated cream should be classified in Class II.

Skim milk and butterfat disposed of for consumption in the form of skim milk, buttermilk, flavored milk, and flavored milk drinks must be produced under the same conditions as skim milk and butterfat disposed of for consumption as whole milk. This skim milk and butterfat is classified in Class III under the present order. Other products in Class III may be made from milk which does not meet the same health requirements as that used for consumption as whole milk.

Eggnog and aerated cream are not mentioned in the present order. So far as known there has been no problem arising from this fact and it is believed no aerated cream is sold in the market.

Both products are made from cream. The consumer may buy the cream and make the product or buy the product ready made. The skim milk and butterfat in cream are appropriately included in Class II milk and the skim milk and butterfat in aerated cream and eggnog should also be included in Class II milk.

(3) The Class I and Class II prices should be based on manufacturing values during the preceding month.

The present order provides for Class I and Class II prices to be based upon the higher of (i) the average price paid by a selected list of condenseries during the preceding delivery period, or (ii) the value of butter and non-fat dry milk solids during the current delivery period.

Basing prices on the manufacturing values of the current month is impractical because of the improbability of securing a report of the prices paid by the listed condenseries by the time the market administrator must announce the

class prices. Since the price periods for which alternative basic prices are provided should be comparable, butter and non-fat dry milk solid values for the preceding delivery period should be used.

(4) The average of the prices paid by the specified condenseries should be retained as an alternative basis for pricing Class I and Class II milk.

The proponents of the proposal to delete the condenser paying price alleged that such price does not reflect competitive conditions in the Sioux City area and frequently results in too high a price. They contended that butter and non-fat dry milk solids are the products principally made in manufacturing plants in the general midwestern markets and should be the sole basis for determining prices in the Sioux City market. Use of the butter nonfat dry milk solids price only, would result in a slight decrease in the yearly average of the basic price. A lowering of the basic price would necessitate an increase in the differential as the present prices have not brought enough milk to the market.

(5) The list of condenseries whose prices are used in the determination of the Class I and Class II prices should not be revised.

It was proposed that the plants of the Pet Milk Company at Shullsburg, Wisconsin, and of Libby, McNeill and Libby at Morrison, Illinois, be deleted from the list of condenseries and the plants of the Rochester Dairy Company at Rochester, Minnesota, and of the Page Milk Company at Coffeyville, Kansas, be substituted for them.

The reason advanced for the change was that the plants to be substituted were more competitive with plants in the Sioux City area than those now listed. It was also stated that the prices paid by the two plants now listed were somewhat higher than those paid by the plants proposed to be substituted. This substitution of plants would lower the basic price and require an increase in the differential in order to assure enough milk coming to the market and thus would not give the proponent the desired lower cost of Class I and Class II milk.

(6) Separate classification and pricing for milk and cream sold outside the marketing area should not be included in the order.

The proposal was to classify milk and cream sold outside the area in a separate class and to price it 25 cents per hundredweight over the present Class III price. The purpose was to purchase milk and cream for outside sales at less than the present prices. No purpose would be served in supplying milk or cream to outlying areas at a price lower than that of milk and cream sold within the marketing area at a time when there is a shortage of milk.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and

8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Roberts Dairy Company and the Sioux City Milk Producers' Association. The briefs contain statements of fact, conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the proposed findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed amendment to the tentative marketing agreement is not repeated in this decision because the regulatory provisions thereof would be identical with the following:

1. Delete § 948.4 (b) (1) (i) and substitute therefor the following:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks; and

2. Delete § 948.4 (b) (2) and substitute therefor the following:

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including any mixture of skim milk and butterfat containing more than 6 percent butterfat, for consumption in fluid form, aerated cream, and eggnog.

3. Delete § 948.4 (b) (3) and substitute therefor the following:

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(i) Used for animal feed;
(ii) Used to produce any milk product other than those specified in subparagraphs (1) and (2) of this paragraph; and

(iii) Actual plant shrinkage up to, but not in excess of 2 percent, respectively, of the total receipts of skim milk or butter-

fat in producer milk and other source milk not including receipts from other handlers.

4. Delete § 948.5 (a) and (b) and substitute therefor the following:

(a) *Basic price to be used in computing class prices.* The basic price to be used in computing the minimum prices per hundredweight for Class I milk, and Class II milk, for each delivery period shall be the higher of the prices calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph for the preceding delivery period.

(1) The average, adjusted to the nearest cent, of the basic (or field) prices reported to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo, Ill.

(2) The price, adjusted to the nearest cent, calculated by the market administrator as follows: (i) Multiply by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture during the delivery period in which such milk was received, (ii) subtract 5 cents, (iii) multiply by 3.5, (iv) add 21 cents, and (v) add 3 cents for each full one-half cent that the price of non fat dry milk solids is above 7 cents per pound. The price per pound of non fat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such

average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such non fat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for non fat dry milk solids for human consumption delivered at Chicago, the average of carlot prices for non fat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the Department of Agriculture for the Chicago area, shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 948.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 80 cents during the months of April, May, June, and July and plus \$1.00 during all other months of each year:

(i) The price per hundredweight for butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period \$16.00 during the months of April, May, June, and July and \$20.00 during all other months of each year; and

(ii) The price per hundredweight for skim milk in Class I milk shall be computed by (a) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.5 percent butterfat, (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 80 cents during the months of April, May, June, and July and

plus \$1.00 during all other months of each year:

(i) The price per hundredweight for butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period \$16.00 during the months of April, May, June, and July and \$20.00 during all other months of each year; and

(ii) The price per hundredweight for skim milk in Class II milk shall be computed by (a) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.5 percent butterfat, (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight for Class III milk containing 3.5 percent butterfat shall be the price computed pursuant to paragraph (a) (1) of this section for the preceding delivery period or the price computed pursuant to paragraph (a) (2) of this section for the current delivery period, whichever is higher:

(i) The price per hundredweight for butterfat in Class III milk shall be computed by (a) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (b) subtracting 5 cents, (c) adjusting to the nearest cent and (d) multiplying the result by 100, and

(ii) The price per hundredweight for skim milk in Class III milk shall be computed by (a) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this paragraph for Class III milk containing 3.5 percent butterfat, (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

Filed at Washington, D. C., this 25th day of October 1948.

[SEAL]

JOHN I. THOMPSON,
Assistant Administrator.

[P. R. Doc. 42-3593; Filed, Oct. 27, 1948; 8:55 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12104]

HEINRICH MANZ

In re: Estate of Heinrich Manz, deceased. File D-23-12418; E. T. sec. 16639.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

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Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Manz, nee Hofmann, and Lotta Roepke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Heinrich Manz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by John M. Niven, as administrator, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 48-9489; Filed, Oct. 27, 1948;
8:50 a. m.]

[Vesting Order 12119]

TALEA BOELMAN ET AL.

In re: Talea Boelman and William Meyer v. the unknown claimants et al. File No. D-28-12426; E. T. sec. 16643.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertie Froeling and Fannie Hinders, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real property sold pursuant to court order in a partition suit entitled: "Talea Boelman and William Meyer v. The Unknown Claimants et al." in the District Court of Franklin County, Iowa, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by the Treasurer of Franklin County, Iowa, acting under the judicial supervision of the District Court of Franklin County, Iowa;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 48-9490; Filed, Oct. 27, 1948;
8:50 a. m.]

[Vesting Order 12124]

RICHARD A. HASSE

In re: Trust under will of Richard A. Hasse, deceased. D 28-7422 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Hasse, also known as Eduard Charles Hasse, Miss Marie Hasse, Mrs. Elfriede Heitmann, Margaretha Auguste Caroline Hasse, Marie Auguste Kunigunde Rehberg, nee Heitmann, Helene Margaretha Marie Wilhelmine Heitmann, Adolph August Wilhelm Heitmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under paragraphs third, fourth, and seventh, of the will of Richard A. Hasse, deceased, and presently being administered by the Continental Illinois National Bank and Trust Company, 231 South LaSalle Street, Chicago, Illinois, trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 48-9491; Filed, Oct. 27, 1948;
8:51 a. m.]

[Vesting Order 12169]

WILLIAM SASSEN

In re: Bank account owned by William Sassen. F 28-18182-C-1, F 28-18182-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Sassen, also known as Will Sassen, whose last known address is Kortum Strasse No. 69 Bochum, Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland, Ohio, arising out of a savings account, account number E-58082, entitled Otto L. Fricke, Attorney-in-Fact for William Sassen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by William Sassen, also known as Will Sassen, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 48-9492; Filed, Oct. 27, 1948;
8:51 a. m.]

[Vesting Order 12192]

SUSUMU YOSHIMURA

In re: Bank account owned by Susumu Yoshimura, also known as Yoshiko Yoshimura and as Yoskido Yoshimura. D-39-19207-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Yoshimura, also known as Yoshiko Yoshimura and as Yoskido Yoshimura, whose last known address is Osaka, Honshu, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Susumu Yoshimura, also known as Yoshiko Yoshimura and as Yoskido Yoshimura, by Solano County Bank, Fairfield, Solano County, California, arising out of a Savings Account, Account No. 1886, entitled "Yoskido Yoshimura by Solano County Bank His Attorney in Fact," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9493; Filed, Oct. 27, 1948;
8:51 a. m.]

[Vesting Order 12195]

MINNIE ABEL

In re: Trust under will of Minnie Abel, deceased. File No. D-28-10543-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Ex-

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Mensching, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under paragraph Eighth of the will of Minnie Abel, deceased, and presently being administered by the First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago 90, Illinois, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9494; Filed, Oct. 27, 1948;
8:51 a. m.]

[Vesting Order 12219]

MOTOR BOAT CO. LTD.

In re: Debt owing to Motor Boat Company, Ltd. F-39-3169-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Motor Boat Company, Ltd., the last known address of which is No. 2, 4 Chome, Ginza, Kyobashi Ku, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has

had its principal place of business in Japan, and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Motor Boat Company, Ltd., by Kermath Manufacturing Company, 5890 Commonwealth Avenue, Detroit, Michigan, in the amount of \$61,000.00, as of July 19, 1948, representing a credit balance payable, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9495; Filed, Oct. 27, 1948;
8:51 a. m.]

[Vesting Order 12210]

VEREINIGTE KUGELLAGERFABRIKEN, A. G.

In re: Debt owing to Vereinigte Kugellagerfabriken, A. G. F-28-5707-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vereinigte Kugellagerfabriken, A. G., the last known address of which is Schweinfurt, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Vereinigte Kugellager-

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fabriken, A. G., by SKF Industries, Incorporated, Front Street and Erie Avenue, Philadelphia 34, Pennsylvania, in the amount of \$199.98, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9496; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12218]

AVRAM GRUNBERG AND JULES SALTZMANN

In re: Bank account owned by Avram Grunberg and Jules Saltzmann. F-28-23827-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Avram Grunberg and Jules Saltzmann, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Avram Grunberg and Jules Saltzmann, by the Union Bank & Trust Co., of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, account number 77374, entitled Avram Grunberg &/or Jules Saltzmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the aforesaid nations of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9497; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12221]

SHINA KAZAMA

In re: Bank account owned by Shina Kazama, also known as Shinya Kazama. D-39-19173-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shina Kazama, also known as Shinya Kazama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation of Empire Trust Company, 120 Broadway, New York 5, New York, arising out of a savings account, account number 28918, entitled T. Kazama in trust for Shina Kazama, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shina Kazama, also known as Shinya Kazama, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States

requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9498; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12223]

MARY MAYER

In re: Bank account owned by Mary Mayer also known as Maria Maier, D-28-12460-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Mayer also known as Maria Maier, whose last known address is Hohenthann No. 16, Ndb, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Mary Mayer also known as Maria Maier, by Bovey Savings Bank, 110 East 42nd Street, New York 17, New York, arising out of a savings account, account number 96321M, entitled Mary Mayer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9499; Filed, Oct. 27, 1948;
8:51 a. m.]

[Vesting Order 12225]

TERUKO SATOW

In re: Bank account owned by T. Satow, also known as Teruko Satow. F-39-5192-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Satow, also known as Teruko Satow, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to T. Satow, also known as Teruko Satow, by The Anglo-California National Bank, #1 Sansome Street, San Francisco, California, arising out of a Checking Account entitled T. Satow or Teruko Satow, maintained at the aforesaid bank, and any and all rights to demand, enforce, and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9500; Filed, Oct. 27, 1948;
8:52 a. m.]

[Vesting Order 12167]

MIYOKO NITTA

In re: Bank account owned by Miyoko Nitta. F-39-6099-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miyoko Nitta, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 84361, entitled Juichi Nitta, Trustee for Miyoko Nitta, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Miyoko Nitta, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9461; Filed, Oct. 23, 1948;
8:57 a. m.]

[Vesting Order 12200]

HEINRICH MULLER

In re: Estate of Heinrich Muller, deceased. File No. F-28-25364; E. T. sec. No. 16687.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarith (Margaret) Hoffman, Elsa Muller, Bettehe Steinhaus and Balthasar Steinhaus, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Heinrich Muller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Harry C. Muller, as administrator, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9462; Filed, Oct. 23, 1948;
8:57 a. m.]

[Vesting Order 12212]

IDA WINTER

In re: Stock owned by Ida Winter. F-28-7962-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Winter, whose last known address is 12 Niddastr., Frankfurt O-M, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Three (3) shares of common capital stock of the Anglo and London Paris National Bank of San Francisco, San Francisco, California, evidenced by certificate numbered 682, registered in the name of

Ida Winter, together with all declared and unpaid dividends thereon, and any and all rights of exchange for 12 shares of \$20 par value common capital stock of The Anglo California National Bank of San Francisco; and

b. Two (2) shares of \$20 par value common capital stock of The Anglo California National Bank of San Francisco, evidenced by certificate numbered L-11925, registered in the name of Ida Winter, and presently in the custody of The Anglo California National Bank of San Francisco, San Francisco 20, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9463; Filed, Oct. 26, 1948;
8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-854, G-962]

ATLANTIC SEABOARD CORP. ET AL.

ORDER FIXING NEW DATE OF HEARING IN
REOPENED PROCEEDINGS

OCTOBER 22, 1948.

In the matters of Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation Docket No. G-854; Tennessee Gas Transmission Company, Docket No. G-962.

It appearing to the Commission that:

(a) On August 27, 1948, the Commission found due and timely execution of its functions imperatively and unavoidably required it to omit the intermediate decision procedure and render final decision in the above-entitled proceedings, and ordered the omission of such inter-

mediate decision procedure in accordance with the provisions of § 1.30 (c) of the Commission's rules of practice and procedure.

(b) On September 29, 1948, in an order reopening proceedings for the purpose of taking additional evidence, the Commission upon consideration of the entire record refused to grant, at that time, a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended; concluded that the Applicant, Tennessee Gas Transmission Company (Tennessee Company) should be afforded further opportunity to submit, in further hearings in these proceedings, additional evidence with respect to gas supply, transportation from the Southwest to the Appalachian areas of the Chicago-Manufacturers contract gas and such other evidence as will meet minimum requirements which the Commission held an Applicant must meet to entitle it to a certificate; and expressed the intention that if the further showing by the Tennessee Company was satisfactory, to issue "forthwith" a certificate. In its order of September 29, 1948, the Commission provided that further hearings in the above-entitled consolidated proceedings be held commencing on January 5, 1949, for the specific purpose of receiving additional evidence:

(i) Showing that Applicant Tennessee Company has commitments for a supply of natural gas reasonably adequate to meet its contractual obligations to its customers and the demands that it is reasonable to assume will be made upon it upon completion of the proposed enlarged system;

(ii) Showing satisfactory arrangements for the transportation of the Chicago-Manufacturers contract gas to the Appalachian area compatible with the public interest; and

(iii) With respect to any other matters pertinent to the issues presented in these proceedings.

The said order provided that the date for hearing might be advanced by the Commission upon 10 days' notice if the Tennessee Company requested earlier opportunity to go forward with the presentation of further evidence upon the pertinent issues.

(c) On October 21, 1948, the Tennessee Company filed its motion requesting that the Commission advance the date for hearing herein for the purpose of receiving additional evidence with respect to the matters referred to in paragraph (b) (i) above and with respect to the issuance forthwith of a certificate for a portion of the facilities applied for in Docket No. G-962, namely: approximately 338.3 miles of 30-inch, 329.7 miles of 26-inch and 86.4 miles of 24-inch main natural gas transmission pipe-line loops along the Tennessee Company's existing system, approximately 27,200 H. P. of compression in its existing or authorized compressor stations, and its so-called Chesterville and Bay City lateral (approximately 71 miles of 16-inch, 5.5 miles of 8½-inch and 9 miles of 6½-inch) transmission pipe lines, at a total estimated cost of approximately \$65,462,013, which facilities may hereinafter be referred to as "G-962-A facilities," and the other facilities subject of the amend-

ed application by the Tennessee Company, as "G-962-B facilities." In said motion the Tennessee Company requests that after such further hearing the Commission forthwith issue a certificate for the G-962-A facilities, deferring until a later hearing the matter of a certificate for the G-962-B facilities.

(d) In the said motion of October 21, 1948, the Tennessee Company requests that it be afforded an opportunity to go forward at the earliest possible date with a presentation of additional evidence on the matter of issuance of a certificate to construct and operate the G-962-A facilities referred to in paragraph (c) above, stating that the Company has at the present time a substantial construction force engaged in the completion of facilities previously authorized by the Commission, which force can be utilized without interruption and a continuous construction program carried forward if the Tennessee Company is permitted to commence the construction of the facilities herein involved at an early date. It also states it has commitments for steel pipe calling for delivery in November 1948 and continuously thereafter of which it will be able to take delivery if early authorization for the G-962-A facilities is obtained. The Company further states in the motion that it is its intention and purpose to go forward with the presentation of further evidence in the hearing now scheduled to be held commencing on January 5, 1949.

(e) There is a public need, demand and market for the increased volume of 340,000 Mcf per day of natural gas proposed to be supplied by the Tennessee Company in Docket No. G-962. Early and expeditious action is required so that final decision may be rendered at the earliest possible time permitted by the applicable statutes and law. In the circumstances here, it is imperative that the intermediate decision procedure be omitted and that the Commission forthwith consider and dispose of these proceedings. The due and timely discharge of its functions under the Natural Gas Act so requires. Failure so to act may adversely affect gas consumers and the public generally in the several states affected by these proceedings.

Upon consideration of the foregoing, the aforesaid motion of October 21, 1948, and the record herein, and taking notice of the Commission's findings and orders heretofore entered herein, the Commission finds that:

(1) It is in the public interest and appropriate for carrying out the provisions of the Natural Gas Act, as amended, that further hearings in the above-entitled consolidated proceedings be held as hereinafter ordered.

(2) Due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure and forthwith render final decision in the above-entitled proceedings, particularly with respect to the matters involved and the issues presented by the motion filed October 21, 1948, by the Tennessee Company.

(3) Good cause exists for providing opportunity for the filing of supplemental briefs and/or proposed findings and

conclusions with supporting reasons therefor, as hereinafter ordered.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7, 15 and 16 thereof, and the Commission's rules of practice and procedure; further hearings in the above-entitled consolidated proceedings be held commencing on November 3, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., for the specific purpose of receiving additional evidence with respect to:

(i) Satisfactory arrangements for the transportation of the Chicago-Manufacturers contract gas to the Appalachian area compatible with the public interest.

(ii) The issuance of a certificate of public convenience and necessity to authorize the construction and operation of a part of the facilities subject to the pending amended application in Docket No. G-962, as requested by the aforesaid motion of October 21, 1948, which facilities have been referred to hereinbefore as the "G-962-A facilities."

(iii) Any other matters pertinent to the issues presented in the above-entitled consolidated proceedings.

(B) The intermediate decision procedure in these proceedings be omitted, as has heretofore been ordered.

(C) Upon completion of the receipt of such additional evidence, the record thereof shall forthwith be certified to the Commission and supplemental briefs and/or proposed findings and conclusions with supporting reasons therefor may be filed within 10 days thereafter for Commission consideration unless otherwise ordered.

(D) Interested State commissions and interveners may participate in such further hearing in these proceedings, as provided by the Commission's rules of practice and procedure and in accordance with leave as granted by the Commission.

Date of issuance: October 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9482; Filed, Oct. 27, 1948;
8:48 a. m.]

[Docket No. G-1058]

PANHANDLE EASTERN PIPE LINE CO.

ORDER POSTPONING DATE OF HEARING
OCTOBER 22, 1948.

By order issued on October 6, 1948, the date for hearing of the application on the above-designated docket was set for October 26, 1948, and on October 21, 1948, the Applicant requested that postponement be made in the hearing to a date 15 days after October 26, 1948.

It appears to the Commission that: Good cause exists for a postponement of the hearing of the application in the aforesaid docket.

The Commission, therefore, orders that:

(A) The hearing of the application in the above-designated docket ordered for October 26, 1948, be postponed and the hearing in this matter be held on November 15, 1948, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9467; Filed, Oct. 27, 1948;
8:45 a. m.]

[Project No. 1490 and Docket No. E-6118]

BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT AND BRAZOS RIVER TRANSMISSION ELECTRIC COOPERATIVE, INC.

ORDER FIXING DATE FOR FURTHER HEARING
OCTOBER 22, 1948.

In the matter of Brazos River Conservation and Reclamation District and Brazos River Transmission Electric Cooperative, Inc., Complainant, v. Brazos River Conservation and Reclamation District, Defendant, Project No. 1490, Docket No. E-6118.

Upon consideration of the request filed October 21, 1948, by Brazos River Transmission Electric Cooperative, Inc., that the reopened proceedings in this matter, postponed by order dated October 13, 1948, be set for further hearing, upon the grounds that no agreement has been reached between the parties as contemplated by the order of October 13, 1948;

The Commission orders that: A further hearing be held in the above-entitled proceedings commencing November 4, 1948 at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., for the purpose of enabling the staff of the Commission to present further evidence and to permit the submission of evidence in rebuttal thereto.

Date of issuance: October 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9478; Filed, Oct. 27, 1948;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 833]

UNLOADING OF LUMBER AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of October A. D. 1948.

It appearing, that 4 cars of lumber at Portland, Oreg., are on hand on Spokane, Portland and Seattle Railway Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Lumber at Portland, Oreg., be unloaded.* The Spokane, Portland and Seattle Railway Company, its agents or employees, shall unload immediately the following cars now on hand at Portland, Oreg., consigned for export:

Wab.....	47420
CB&Q.....	12735
B&O.....	274263
NP.....	23440

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., October 25, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately: that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9483; Filed, Oct. 27, 1948;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-394]

ROOT PETROLEUM CO.

ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, has made application to strike from listing and registration the common stock, \$1.00 par value, of Root Petroleum Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Prior to December 17, 1947 Pan American Petroleum Corporation purchased from the largest single stockholder of Root Petroleum Company and from his family approximately 132,000 shares of the \$1.00 par value common stock at \$25.00 per share, and it also purchased from other stockholders additional shares until it had become the owner of a majority of the outstanding shares of Root Petroleum Company. (2) Pan American Petroleum Corporation extended offers to all the remaining stockholders of Root Petroleum Company to purchase their shares at \$25.00 per share, which offers were extended or renewed until June 30, 1948; (3) as of July 2, 1948 the number of shares of common stock of Root Petroleum Company held by stockholders other than Pan American Petroleum Corporation was reduced to 6,508, distributed among 83 stockholders; and (4) the number of shares remaining outstanding in the hands of the public has become so reduced as to make inadvisable further dealings in this security on the applicant exchange.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Curb Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Curb Exchange to strike the common stock, \$1.00 par value, of Root Petroleum Company from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 16, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9468; Filed, Oct. 27, 1948;
8:45 a. m.]

[File No. 1-394]

ROOT PETROLEUM CO.

ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

The Board of Trade of the City of Chicago, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the common stock, \$1.00 par value, of Root Petroleum Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Prior to December 17, 1947 Pan American Petroleum Corporation purchased from the largest single stockholder of Root Petroleum Company and from his family approximately 132,000 shares of the \$1.00 par value common stock at \$25.00 per share, and it also purchased from other stockholders additional shares until it had become the owner of a majority of the outstanding shares of Root Petroleum Company. (2) Pan American Petroleum Corporation extended offers to all the remaining stockholders of Root Petroleum Company to purchase their shares at \$25.00 per share, which offers were extended or renewed until June 30, 1948; (3) as of July 2, 1948 the number of shares of common stock of Root Petroleum Company held by stockholders other than Pan American Petroleum Corporation was reduced to approximately 6,000, distributed among 83 stockholders; (4) the number of shares remaining outstanding in the hands of the public has become so reduced as to make inadvisable further dealings in this security on the applicant exchange; and (5) the Board of Trade of the City of Chicago suspended the common stock, par value \$1.00, of Root Petroleum Company from dealings on the Board of Trade of the City of Chicago at the close of business on June 30, 1948.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the Board of Trade of the City of Chicago with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the Board of Trade of the City of Chicago to strike the common stock, \$1.00 par value, of Root Petroleum Company from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 16, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9469; Filed, Oct. 27, 1948;
8:45 a. m.]

[File No. 1-3277]

LEHIGH VALLEY COAL CO.

ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the First and Refunding Mortgage Sinking Fund Bonds 5% Series of 1924 due February 1, 1954, 1964, and 1974, issued by The Lehigh Valley Coal Company, and assumed by its successor, Lehigh Valley Coal Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) The Lehigh Valley Coal Company presented to holders of the above security a plan providing for their consent to the postponement of 75% of interest maturing February 1 and August 1, 1939, until February 1, 1944, to the modification of sinking fund provisions and certain other matters; (2) as bondholders consented to this proposal of issuer, their bonds were deposited and stamped to indicate their assent to the plan, and thereupon returned to depositors; (3) the latest report of the Company to the Exchange indicates that \$335,000 face amount of the above security had not been stamped to show the acceptance of the plan; (4) the amount of unstamped bonds remaining outstanding has been so reduced as to make further dealings in this security on the Exchange inadvisable; and (5) dealing in the unstamped bonds on the Exchange was suspended at the opening of the trading session on May 25, 1948.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Stock Exchange to strike the unstamped First and Refunding Mortgage Sinking Fund Bonds 5% Series of 1924 due February 1, 1954, 1964, and 1974, issued by The Lehigh Valley Coal Company, and assumed by its successor, Lehigh Valley Coal Company, from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 17, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9470; Filed, Oct. 27, 1948;
8:45 a. m.]